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Congregational Church in New York.
to the Church of the Puritans, New York.

(24)

PROCEEDINGS

OF A

Council

OF

CONGREGATIONAL CHURCHES,

RELATIVE TO THE PRIVILEGES OF MEMBERS OF THE

CHURCH OF THE PURITANS,

NEW YORK.

Reported in Phonographic Shorthand by Finley Anderson.



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PROCEEDINGS.

AN *ex parte* Ecclesiastical Council of Congregational Churches, called by O. E. WOOD, E. M. KINGSLEY, J. K. JOHNSON, R. N. HAVENS, and E. C. WILCOX, in behalf of themselves and seventeen others, was convened in the University Building, in the city of New York, on Tuesday, February 15th, 1859, to consider and act upon questions growing out of their relations to the CHURCH OF THE PURITANS, in this city.

The Council assembled at 3 o'clock P. M. Rev. DR. HAWES, of Hartford, Conn., called it to order, and on his motion, Rev. S. G. BUCKINGHAM, of Springfield, Mass., was chosen Scribe. On motion of DR. HAWES, the Council then proceeded to elect a Moderator. On the second ballot it was announced by the Scribe that the Rev. WILLIAM T. DWIGHT, D. D., of Portland, Maine, was chosen.

THE MODERATOR took the chair, and opened the proceedings by prayer.

By direction of the MODERATOR, the Scribe now read the letter convening the Council, a copy of which was sent to each church invited, and which is as follows:

NEW YORK, January 26, 1859.

To the South Congregational Church, Springfield, Mass.:

CHRISTIAN FRIENDS: The letter, a copy of which is communicated herewith, was addressed by us, under its date, to the Church of the Puritans in this city. The proposition which it contains for a Mutual Council having been rejected by that church, we now accordingly invite you to be present, by pastor and delegate, at the small chapel of the University in this city, Tuesday, the 15th of February next, at 3 o'clock P. M., to unite with the other churches invited, in an *ex parte council*, to consider the questions therein presented, and to take such action in the premises as may be deemed proper.

Your brethren in Christ,

O. E. WOOD;
E. M. KINGSLEY,
J. K. JOHNSON,
R. N. HAVENS,
E. C. WILCOX,

for themselves, and at the request and in behalf of the following brethren,

viz: Henry A. Hurlbut, Jared Linsly, M. D., Albert Chesebro, L. N. Cowley, Richard Brown, A. T. Dwight, F. E. Mather, E. J. Owen, William Way, Stephen Paul, J. Walter Camp, S. Conover, Jr., Samuel Churchill, E. M. Morgan, Elisha Peck, W. B. Isham and W. S. Thomson.

The following is the letter alluded to in the above communication :

NEW YORK, December 27, 1858.

To the Church of the Puritans :

The undersigned, members of the Church of the Puritans, in regular standing, having applied for letters of dismission and recommendation to other churches, and having been offered, by a formal vote of the church, letters not in the usual or customary form, which letters were for this reason not satisfactory, and were returned under protest; and furthermore, the church, having at the same time declared, by resolution, that we are "deemed no longer members of the same or in any way subject to its watch and care:"

Now, therefore, for ourselves, and in behalf of others in the same relation, for the purpose of ascertaining what are the respective rights and duties of the parties in the premises, and for the promotion of Christian order, we propose that the church unite with us without delay in submitting to a mutual council the following questions for decision:

First. Are or are not the applicants, by the terms of the Church Manual, and in accordance with the practice of sister churches, entitled to the full and "customary letters," and such as have been used since the foundation of the church?

Second. Is or is it not a violation of the rules of the church, of the rights of Christian brethren, and contrary to the usages of our churches, summarily to cut us off from its "watch and care" and the privileges of membership, with objectionable letters, and without specified charges (if any) and formal trial, as is done by the resolution above referred to?

Signed,

O. E. WOOD,
E. M. KINGSLEY,
J. K. JOHNSON,
E. C. WILCOX.

The following are the names of the churches invited, together with those of the Pastors and Delegates; all the churches invited being represented, except Plymouth Church, Brooklyn, Rev. Henry Ward Beecher, Pastor:

THE CHURCH OF THE PILGRIMS, Brooklyn, N. Y.—Rev. R. S. Storrs, D. D., Pastor; Bro. R. P. Buck, Delegate.

THE CLINTON AVENUE CHURCH, Brooklyn, N. Y.—Rev. W. J. Budington, D. D., Pastor; Bro. A. S. Barnes, Delegate.

THE SOUTH CONGREGATIONAL CHURCH, Brooklyn, N. Y.—Rev. R. W. Clark, D. D., Pastor; Bro. C. P. Baldwin, Delegate.

THE BROADWAY TABERNACLE, New York city.—Rev. J. P. Thompson, D. D., Pastor; Bro. Austin Abbott, Delegate.

THE FIRST CONGREGATIONAL CHURCH, Albany, N. Y.—Rev. Ray Palmer, D. D., Pastor; Bro. H. T. McCall, Delegate.

THE THIRD CONGREGATIONAL CHURCH, New Haven, Conn.—Bro. J. A. Davenport, Delegate.

THE FIRST CHURCH, New Haven, Conn.—Rev. L. Bacon, D. D., Pastor; Dea. C. S. Lyman, Delegate.

THE FIRST CHURCH, Hartford, Conn.—Rev. J. Hawes, D. D., Pastor; Bro. Samuel Ward, Delegate.

THE SECOND CHURCH, Greenwich, Conn.—Deacon Jonas Mead, Delegate.

THE FIRST CHURCH, Westfield, Mass.—Rev. E. Davis, D. D., Pastor; Bro. B. Gillett, Delegate.

THE MOUNT VERNON CHURCH, Boston, Mass.—Dea. J. A. Palmer, Delegate.

THE CENTRAL CHURCH, Providence, R. I.—Rev. L. Swain, D. D., Pastor; Bro. J. Kingsbury, Delegate.

THE THIRD CHURCH, Portland, Me.—Rev. W. T. Dwight, D. D., Pastor; Dea. Joseph Libbey, Delegate.

THE SOUTH CHURCH, Springfield, Mass.—Rev. S. G. Buckingham, Pastor; Bro. R. A. Chapman, Delegate.

MODERATOR—This Council, brethren, is now organized. It is called *ex parte*. The brethren who have called it I presume are present, and are ready to present their case before us. It may be proper for me to suggest that the custom in the part of the country from which I come, (Portland, Maine,) in the case of an *ex parte* Council, is, at the earliest moment, to apprise the Church with which the individuals calling the Council have been or are connected, that it is organized, and willing to receive communications from them, if they see fit to present themselves. But if this should be now deemed not expedient as the first step, the brethren of the Council will suggest others, if they see any that are preferable.

Some informal conversation here ensued, on the point suggested by the Moderator; in the course of which Mr. O. E. Wood said: "The gentlemen who have called this Council have taken steps to inform the Church of their intentions, and have addressed them the following letter;" which, with consent of Council, he read:

NEW YORK, February 12, 1859.

To the Church of the Puritans, New York:

CHRISTIAN BRETHREN,—In accordance with the usage of Congregational Churches, we hereby notify you that by Letters Missive—a copy of which for your information we subjoin—we have invited the Churches therein named, by Pastor and Delegate, to meet in Council *ex parte*, on Tuesday, the 15th day of February instant, at the Chapel of the New York University, to consider the matters submitted to you in our letter of December 27, 1858, and your action thereon, and to afford us such measures of relief as shall be in accordance with their views of duty and right, and as they shall be competent to administer.

For ourselves, and by order and in behalf of Henry A. Hurlbut, Jared Linsly, M. D., Albert Chesebro, L. N. Cowley, Richard Brown, A. T. Dwight, F. E. Mather, E. J. Owen, William Way, Stephen Paul, J. Walter Camp, S. Conover, Jr., Samuel Churchill, Edward M. Morgan, Elisha Peck, W. B. Isham, and W. S. Thomson.

Signed by

E. M. KINGSLEY,
O. E. WOOD,
R. N. HAVENS,
J. K. JOHNSON,
E. C. WILCOX.

Mr. Wood continued: That letter, sir, was addressed to the Church of the Puritans, and we believe it was presented to one of the officers of that church. We have had no response.

The conversation was resumed in relation to the propriety, as suggested by the Moderator, of notifying the church of the assembling of the Council; pending which, Professor Noah Porter, D. D., of Yale College, New Haven, was authorized to appear and act as counsel, in behalf of the brethren, appellants.

Subsequently, on a suggestion by a member, that the Church should be invited to unite with the appellants and make this a Mutual Council for the adjustment of the matters submitted, Professor Porter made the following remarks explanatory of the position of the brethren in whose behalf he appeared:—Mr. Moderator, I beg leave to suggest that there are two parties concerned, and if this is to be a Mutual Council, of course each party is to be represented. For the sake of expediting matters, it may be as well for me to state the views which the party that I represent take of these transactions. For, if the Church of the Puritans is to be admitted, it might be quite material that our views should be distinctly presented at the outset. One reason why these parties have been driven to the necessity of calling an *ex parte* Council is, that their repeated propositions for the submission of the whole affair to a Mutual Council were declined. In every instance in which these brethren have had communication with the Church of the Puritans, on any subject-matter growing out of their first movement in April, 1857, they have put themselves in the attitude of being ready to meet the Church in Mutual Council. They also were careful to notify the Church before the last Sabbath, that this Council would assemble here at this time, in order that they might conduct themselves accordingly. Let me then state what their views will be if a Mutual Council should be

proposed to the Church, and acceded to by them. The appellants are willing to submit the case, upon which this Council have been called to act, as presented in the letter read by Mr. Woon, provided that the other party will agree to unite with this body and abide by the decision of the Council. They are willing, as they have been from the first, if the other party desire, and if this *ex parte* Council advise them, to go into the whole matter of difference from the beginning, and have it here investigated. They do not seek such a trial, but having asked in vain for months and years for a Mutual Council, they decided at last, for the sake of peace, to allow the matters that have occurred in the past to be buried, on condition that they should receive regular dismissal from the Church. That request has been denied. It is in relation to the denial of this request that they have called this Council. It is that you may decide whether that was a proper request—whether they were entitled, under the circumstances, to receive the usual Christian dismissal. And this is the case and the only case now presented before this *ex parte* Council. If, therefore, any communication is to be had with the Church of the Puritans in respect to information which they are to give, or in respect to any Mutual Council in which they may unite, we wish it now to be understood that this is the case which is to be tried; and we are not prepared to unite with them in a Mutual Council to try the case unless they are willing to abide by the decision to which the Council, after full deliberation, shall arrive touching this simple question of dismissal. That is the case to be tried, and the only case, unless, indeed, this Council may advise us to unite with the other parties in a trial of the whole matter. We are not prepared ourselves at this late stage of the proceedings to take that responsibility, after this long-continued acrimonious controversy; but if this Council so advise us we shall not shrink from the investigation.

The remainder of the session was occupied in an informal and conversational discussion on the suggestions of the Moderator; the points chiefly urged being: First, that christian courtesy requires that the church be notified of the assembling of the Council, and that they have the opportunity given them of uniting with the appellants, and making this a Mutual Council for the consideration of the matters contained in the Letters Missive; and, Second, if the Church decline this proffer, that then they be invited by a Committee or otherwise, to furnish the Council with such facts as may aid

them in coming to an intelligent and equitable result, in their investigations—but without opening the door to argument and discussion by parties not recognizing their jurisdiction.

In view of these considerations, which were urged by different members, as conforming both to the usage of Congregational Churches, and the dictates of common justice, the following Resolutions, after various modifications, were unanimously adopted :

“Resolved, That a committee of three be appointed to notify the Church of the Puritans that this Council is now in session, and to invite said Church to accept this as a Mutual Council for the consideration of the matters presented in the Letters Missive, by which we have been convened.

“Resolved, That in case this invitation be declined, the Church be invited to appear before the Council by a committee to present their statement concerning the matter submitted to us.”

THE MODERATOR being requested to appoint the committee, designated DR. CLARK, DR. PALMER, and DEACON JOSEPH LIBBEY.

The Council then adjourned till 8 o'clock in the evening.

EVENING SESSION.

At 8 o'clock P. M. the Council met in the large Chapel of the University, where its subsequent sessions were held.

The MODERATOR having called the Council to order, inquired if the Committee appointed in the afternoon to wait upon the Church of the Puritans, were ready to report.

DR. CLARK (Chairman of the Committee)—We called upon DR. CHEEVER, Pastor of the Church of the Puritans, and presented the resolutions to him. After conferring with him, we went and presented them to the Church then assembled in business meeting, accompanying the resolutions with a verbal statement that the Council would meet at 8 o'clock to proceed with their business, and that we would be happy to have them respond to the resolutions presented to them. It was understood, through DR. CHEEVER, that they would respond or take some action.

MODERATOR—The Council will direct what shall be done. You have heard the report from the Committee. Of course it is uncertain what action the Church of the Puritans will take, or when we will hear from them.

MR. LIBBEY—I think we shall hear from them soon.

DR. HAWES—I would ask whether we should have any further delay. We were called here for a specific object. There are documents to be laid before us, doubtless, touching the matter to be decided by this body. It seems to me these papers should be now presented. How soon the Church may appear, we cannot tell.

MODERATOR—Is it the pleasure of the Council to receive such papers at the present time? I understand that a Committee from the Church of the Puritans is now on its way hither.

[The MODERATOR suggested that, if any other delegates had arrived, they should hand in their names.]

Presently a Committee appeared from the Church of the Puritans, and

MR. W. C. GILMAN (its Chairman) said: At twenty minutes before eight o'clock, the Church of the Puritans received the Committee from this Council, who made a written communication and retired. There was, of course, very little opportunity for reflection or debate on the part of the Church. Seeing no time to take grounds either in favor of or against a Mutual Council, it was passed over as a thing the Church did not feel prepared to accede to. They appointed a Committee to wait upon the Council, and communicate any information touching the affairs of the Church that might enable the Council to come to an intelligent conclusion in regard to the subject-matter referred to them in the Letters Missive now on your table.

He read the names of the Committee, which are as follows: W. C. GILMAN, DEXTER FAIRBANKS, REV. C. J. WARREN, and BENJAMIN K. PHELPS, Clerk of the Church.

On motion of Dr. CLARK, the Committee was received.

The Moderator, on the suggestion of Dr. HAWES, requested the Committee, who called this Council, now to present such documents as they had prepared.

Rev. Dr. PORTER, on behalf of these brethren, then said:

MR. MODERATOR—The information which I shall now present, consists principally of points which the parties calling this Council wish to submit, as growing out of certain transactions, which will be presented in the form of documentary evidence. The substance of the communication which I shall make, will, in the course of these proceedings, be put into the hands of the members of this Council;

and when this is done, at some future period in the progress of the discussions, I shall hope to be allowed to call the attention of the Council to the bearing of these documents upon the issues which we think justice requires. At present, I shall content myself by presenting the documents and the questions which seem to grow out of them.

Dr. PORTER proceeded to read the documents as follows:

EX PARTE COUNCIL.

FEBRUARY 15TH, 1859.

To the Council convened, *ex parte*, at the request of O. E. Wood, E. M. Kingsley, J. K. Johnson, R. N. Havens and E. C. Wilcox, acting in their own behalf and in behalf of Henry A. Hurlbut, Jared Linsly, M. D., Albert Chesebro, L. N. Cowley, Richard Brown, A. T. Dwight, F. E. Mather, Edward J. Owen, William Way, Stephen Paul, S. Conover, Jr., S. Churchill, E. M. Morgan, W. S. Thomson, Elisha Peck, William B. Isham and J. W. Camp, members of the Church of the Puritans, in the City of New York, at the Chapel of the New York University, this fifteenth day of February, A.D. 1859:

The following is respectfully submitted as a statement of the facts which occasioned the request:

First. From the organization of the Church of the Puritans, its *second, ninth and tenth* Standing Rules have been in these words, namely:

Rule 2d. This Church will extend to and receive from other evangelical Congregational churches, that fellowship, advice, and assistance which the laws of Christ require. *It holds itself bound to regard the decisions of mutual councils*, and to seek the promotion of peace and brotherly love with all the churches of our Lord Jesus Christ.

Rule 9th. Members on removing shall ask for letters of dismission and recommendation. Requests for such letters may be announced by the person presiding at the weekly prayer-meeting or lecture, and if at the end of one week no objection has been made to the Pastor, he, or the Clerk, shall issue the customary certificate, which shall purport to be valid for one year only from the date thereof; and letters shall not be granted to persons who have delayed applying for them for more than one year after their removal from us, unless by a vote of the Church, after satisfactory reasons shall be assigned for such delay.

Rule 10th. A member having cause of complaint against any other member, injuriously affecting his or her character, shall immediately seek to have it removed in a Christian manner, according to the direction given by our Lord in Matthew, 18th Chapter, 15th, 16th, and 17th verses. If unsuccessful, the complaint shall be made in all cases first to the Prudential Committee, who may prefer charges before the Church, at a business meeting thereof; and in case the Committee omit to do so, the complainant may present his complaint in person to the Church. When a member is accused, he or she shall be seasonably furnished by the Clerk with a copy of the charges, and shall have a full hearing.

Second. The "customary certificate" mentioned in Rule 9th, has been printed in blank, and is in these words, namely:

"This certifies that _____ is a member of the Church of the Puritans, in good and regular standing. As such _____ is, at _____ own request, dismissed

and affectionately recommended to the fellowship of the ———, or any other Church of Jesus Christ with whom God may appoint ——— residence; and when received by them ——— peculiar relation to this Church will cease.”

“N. B.—This Certificate is valid for one year only.”

Nor has there ever been any other form of certificate used on the dismissal of members to other churches.

Third. At the times of all the correspondence hereinafter quoted or referred to, each of the persons who appeal to this Council was a member of said Church.

Fourth. Prior to February, 1858, differences had arisen in the Church, which are not material to the subject matter now before this Council, but which appear in part in the letters and papers hereinafter quoted.

In that month, *forty-six* members of the church, including your appellants, separately in writing, asked for “letters of dismission and recommendation” to other churches; and accompanied such requests with another letter explanatory of their position in regard to the differences hereinbefore referred to; which letter will be found in the Appendix hereto marked A.

Mr. GILMAN here interrupted Dr. Porter and said:—The Council will excuse me. But the Committee from the Church understood that the Council did not intend to review the antecedent history of this controversy.

MODERATOR—The Council have passed no resolution respecting the matter.

Mr. GILMAN—We distinctly understood only half an hour ago, from the expressions made by prominent members of this council, that it was not intended to review anything antecedent to the application for the letters, and that the Council would confine itself entirely to the subject of the Letters Missive. We were appointed a committee of the Church with that understanding.

MODERATOR—It was distinctly expressed again and again that the Council would confine itself to the consideration of the two questions stated in the letter calling them together; but as to how much or how little antecedently, those two questions involve, the Council of course did not undertake to determine. That they could not do. And in calling on the committee of the appellants to present their statement of the case it has been impossible for the Council to know what their counsel would introduce.

Mr. GILMAN—I hope the Council will excuse me for interrupting them. My object is to justify myself and the committee. Under the representations made to the Church they understood that the action was to be confined to the Letters Missive.

Dr. PORTER—I will explain. We propose to give this document (Appendix A.) as the first communication made to the Church of the Puritans, with which the history of this request commences. Then we will give as documentary evidence the report of the Church of the Puritans by which they justify their action. We propose to give, in other words, *the documents on both sides*. We do not here present testimony with reference to the previous history of this matter. We do not go into that history except as the documents refer, necessarily, to it. But, here is the first application for Letters of Dismission, and the answer; and the documents are laid before the Council as a part of these transactions, showing how the request was made, how it was received, the reasons for making the request, the reasons for declining it. This is documentary evidence, and it is in our view important.

Dr. THOMPSON—May I ask if that document is not simply the request of these brethren for letters of dismission?

Dr. PORTER—It is part of the request.

Dr. THOMPSON—Then it is the beginning of the history?

Dr. PORTER—Yes, Sir.

Dr. THOMPSON—Then it seems to me, that is the date at which our investigations should commence.

Dr. PORTER—We have no objection to omit this letter and read the request. But we desire to give the Church of the Puritans ample justice, and we will read the preamble to *their* communication in reply.

Dr. PORTER continued reading the document, resuming with the letter addressed to the Church of the Puritans (Appendix A.), as follows:

TO THE CHURCH OF THE PURITANS:

The undersigned, members of the Society or Church of the Puritans, and either signers of the letter of the twenty-seventh of April last (1857,) to the Pastor, or acquiescing in its request and propriety, disclaim all responsibility for the unhappy controversy occasioned by the unauthorized public use of that private letter; designed as it was expressly to prevent the notoriety, in regard to our internal church relations, which has since occurred.

Assuming that both our Pastor and the church desired to know the truth, and to do what the truth required, we proposed to refer all matters occasioning the differences between us, including those of a personal nature, to a *mutual council*, according to Congregational usage, and the rules of our Church—the only protection for an aggrieved minority in our denomination.

But the Pastor and Church, three several times, refused us this measure of peace, involving some of our dearest rights, whether as members or church officers.

That our motives and position might not be misunderstood by the Church or by the public, which had been advised of our movement through the press, we issued our narrative, protest and letter of July 15th, 1857, to the Church. These documents, we grieve to say, have been greatly *misrepresented* in a pamphlet reply of seventy-six pages, prepared by a Committee of five, all of whom, with one exception (to use their own language toward the three Deacons), had recently "come from another denomination;" the exception being the Chairman and author of part of the reply, Rev. J. P. Warren, late of Connecticut.

In charging the Deacons with "Presbyterian tendencies," all of whom were educated in New England churches, and a portion of whom were in the Church of the Puritans at its organization, the committee forget that two of their own number, Messrs. E. W. Chester and F. W. King, had recently worshipped with several churches of that "other denomination;" that another, Mr. D. Fairbanks, at the time the Committee was appointed, was only two months from the Thirteenth Street Presbyterian Church, and that the last, the Rev. Prof. Martin, coming from the Albany Presbytery, had been a member less than a week. The Committee seems also to have forgotten that the Pastor himself came to us from the Allen Street Presbyterian Church, and from the editorship of a Presbyterian paper.

The reply of this singularly constituted Committee, purporting to speak in the name of the Church, concludes with a "call upon the brethren who have done us and our Pastor this great wrong (to wit, the publication of the letter of July 15,) to reconsider their act."

Thus called upon to "reconsider our act, and to redress the wrong" of our statements, we should be justified in entering upon a full and detailed exhibition of the abundant evidence in our possession, which impelled us to address the letter of April 27th to our Pastor, and that of July 15th to the Church; but for the sake of peace we purposely refrain from this review, as well as from any particular exposure of the numerous sophistries and misstatements of the reply. This *reply* was sanctioned by the Church after a single reading, without question or discussion, and in the face of our solemn protests, made at the time of its presentation, and was immediately published to the world, *with an appendix of private letters and other documents, which were not even submitted to the Church.*

The Committee indeed admit that there has not been a unanimity of judgment in the majority of the Church, and that individuals were only deterred from moving amendments by reasons aside from the merits of the case. Time will vindicate us; and if the real facts are ever brought to light, some of you, if not all, we can not but think, will be led to repentance for sanctioning this publication.

We are constrained, then, summarily, to say that this "Reply" misrepresents the position assumed, both in the Protest of the Deacons, and in our Narrative and Letter to the Church; it imputes to us motives which we have repeatedly disclaimed; it introduces, for proof of its statements, letters and

documents of long prior date, having no relevancy to the matter under notice; and, notwithstanding its length, omits some things bearing on questions of veracity between Pastor and individuals, absolutely essential to elicit and establish the truth.

Whilst your Committee, however, pronounce some of our allegations "absolutely untrue," whilst they charge us with the suppression of facts, and endeavor, with sophistical art, to convict us of inconsistencies, they yet say of us, in your name, "We have made no arraignment against them, and pronounce no impeachments; so far as their formal standing in the Church is concerned, it remains as it has heretofore been."

In reconsidering our acts, we do not see that it will be for peace and the promotion of holy and gracious affections in ourselves or in you, that our connection with the Church of the Puritans should longer be continued. How can two walk together except they be agreed? "Separation," as we said in our letter to Dr. Cheever, is "sometimes the rule of peace." And in separating from that portion of the family of our blessed Lord which has so long owned most of us as members, we desire to do it in the spirit of the patriarch who was willing to go to the right hand if his kinsman preferred the left, or to depart to the left if he chose the right.

Believing that the Christian community are weary of this strife in the house of God, we trust that it may suffice for all candid men, *that we here reassert, on our responsibility as Christians, the substantial accuracy of all the statements in our Narrative, Protest and Letter of July 15; many of which the Committee have not even attempted to controvert, and all of which, with our proof, we repeatedly offered, but without success, to submit to an impartial tribunal.* But to avoid the scandal which might attend a further exposure of wrong-doing, we are willing rather to suffer wrong than to assert the right at the expense of the peace of Zion, and the character and public usefulness of mistaken brethren.

The Church of the Puritans, its pastor and people, have been very dear to us all. Some of us assisted in laying the foundation stones of this Zion; some of us have served it in office, as the confidence of our brethren intrusted it to our hands; others of us have contributed of the means wherewith the Lord has prospered us, to the erection and preservation of its temple and the support of its temple-service; all of us have rejoiced in its prosperity, and, we may say, without vain boasting, its welfare has been the theme of our closets and the burden of our prayers in the great congregation. Here, too, some of us first consecrated ourselves and our offspring to Him who died for our redemption; here, likewise, some of us have experienced the support of Christian sympathy, and the condolence of fraternal love in sore bereavements and trials.

You will not wonder, therefore, that in parting from you, we feel like those driven from home and all its endeared remembrances and long-cherished associations.

We love the free institutions of our favored New England; we love and shall ever vindicate the freedom of the *pulpit*, neither more nor less than the freedom of the *pews*; we love Christian courtesy and charity in both pastor and people; and, if in our efforts to establish and secure these cherished principles and forms, we are disappointed and are compelled to sunder our

connection with a Church and Society we have so long served and loved, and to seek instruction elsewhere, as many of our early associates in the Church have already done, we leave these endeared relations with the consciousness of having done, or tried to do, "what we could" for the best interests of the Church and the denomination.

Finally, brethren, we commend you to God and the word of his grace, which is able to build you up, and to give you all an inheritance among those who are sanctified : and may the God of love and peace be with you.

O. E. WOOD,	L. N. COWLEY,	STEPHEN PAUL,
E. M. KINGSLEY,	E. C. WILCOX,	S. CONOVER, Jr.,
J. K. JOHNSON,	RICHARD BROWN,	SAMUEL CHURCHILL,
HENRY A. HURLBUT,	A. T. DWIGHT,	EDWARD M. MORGAN,
SAMUEL T. HYDE,	F. E. MATHER,	SAMUEL ISHAM,
J. LINSLEY, M. D.,	CHAS. H. ISHAM,	ELISHA PECK,
S. J. BACON,	EDWARD J. OWEN,	WM. B. ISHAM,
R. N. HAVENS,	WM. WAY,	W. S. THOMSON,
ALBERT CHESEBRO,	JNO. N. BRADLEY,	J. WALTER CAMP.

Dr. PORTER—I am requested to state that the members of the church who signed the letter which I have read, made their requests for letters of dismission, individually. Next come the report and resolutions of the Church of the Puritans (Appendix B.), as follows :

NEW YORK, April 8, 1858.

E. M. KINGSLEY, Esq. : DEAR SIR: On the 26th of February last, I received through you "written requests from sundry members of the Church of the Puritans for letters of dismission from that church and of recommendation to other churches.

The requests of the members were duly presented to the church, and objections having been made to the granting of letters to the brethren applying for them, an adjourned meeting was held, at which a preamble and resolution were adopted, a copy of which is herewith furnished to you.

No objections having been made to the granting of letters to the female members who have applied for them, such letters are herewith sent to you.

To the male members I have issued letters in the form prescribed by the resolution above-mentioned, which also I send to you in accordance with the request in your note of Feb. 26, 1858.

The copy of the preamble and resolution is sent to you for the information of all the brethren, from several of whom I received the assurance that one copy would suffice for all. Yours respectfully,

FREDERICK W. KING,
Clerk of Church of Puritans.

INCLOSURE.

Whereas, Sundry members of this church have asked letters of dismission and recommendation to other churches ; and

Whereas, It is known that there are difficulties existing between said members and the church, growing out of a letter addressed by some of them to our

pastor, in April last, this church, in acceding to the request of those brethren, deem it due to themselves to accompany their action by the following declaration :

The matters at issue between them and the church were fully considered in a published document adopted by the church on the 5th of November, in which our views were presented at length. Those views we have seen no reason to alter.

We had hoped that, on careful reconsideration, our brethren would have seen their error, and have been ready to make such concessions as were due to us, and would have been honorable to their own Christian magnanimity. We regret that they have not done so ; that even in applying for their letters they have reëffirmed their former statements, and that, too, in a manner little calculated to soothe the feelings of their brethren. It is our great grief that better counsels and a gentler spirit should not have prevailed.

Nevertheless, the church are not disposed to make the wrongs received by them and their pastor the rule of their conduct in return. So far as we have been injured we can forgive ; and if said action of our brethren involve *more* than an injury to *us*, we are willing to leave that to a higher tribunal. We refer both to their own consciences and to the review of the final day.

With this brief statement of our position and sentiments, and with earnest prayers that the blessing of God may rest both upon the church and our brethren who now leave us, it is hereby

Resolved, That the clerk of the church be directed to furnish said members a copy of the above declaration, together with the following certificate :

“ This certifies that A. B. is a member of the Church of the Puritans in regular standing, and as such is, at his own request, dismissed, with the view to unite with the ——— Church, and that when received by them his connection with this church will be dissolved.”

A true copy from the Records.

FREDERICK W. KING, Clerk.

DR. PORTER proceeded with the printed *Points* :

Fifth. About April 7th, 1858, the Church, in reply to said requests, adopted a resolution in these words, namely :

“ *Resolved* : That the Clerk of the Church be directed to furnish said members a copy of the above declaration, together with the following certificate :

“ This certifies that A. B. is a member of the Church of the Puritans in regular standing, and as such is, at his own request, dismissed, with the view to unite with the ——— Church, and that when received by them his connection with this church will be dissolved.”

A true copy from the Records.

FREDERICK W. KING, Clerk.”

Which resolution was accompanied by a letter and preamble. (See Appendix B.)

The Clerk made out certificates, as thus directed, for your appellants, at the same time sending the “ customary certificates” for the female portion of the applicants.

Sixth. The letters (certificates) thus “ issued to the male members” were

returned by your appellants to the Church, accompanied by a letter, as follows, namely:

NEW YORK, April 19th, 1858.

F. W. King, Esq., Clerk of Church of the Puritans:

DEAR SIR: The brethren whose names appear in the accompanying letters of dismissal from the Church of the Puritans, after serious consideration, feel constrained to return them to the Church, and, in compliance with their wishes, I submit some of the reasons which have impelled us to this decision.

It is painful to assume a position which may possibly further complicate our relations to the Church, especially at a time of such general and deep religious interest; and, were no questions of duty or principle involved in our action, we should at once accept the letters, and seek elsewhere that peace and Christian fellowship for which we long.

Under ordinary circumstances, the differences between these letters and the printed form in constant use since the organization of the Church would be immaterial. But the vote of the Church tells plainly that they were designed to be exceptional to the rule, which also is confirmed by the regularity of those sent to the female members of our families. It will not be denied that the mutilated letters, with the explanatory preamble and resolutions, were intended as a *quasi* censure upon us, for our transmission of the letter of April 27th, 1857, to the Pastor, and for the subsequent publication of our protest, narrative, etc. We cannot, therefore, in good conscience, present these letters to other Churches, as clean, for they were not intended so to be. Is it right that the Church should thus expect us to present to other portions of the family of Christ this authenticated evidence of our impeached standing with yourselves?

But assuming that we present these credentials as our claim for Church fellowship elsewhere, candor requires that we state the circumstances under which they were granted, and this necessarily involves the whole history of our relations to the Church and its pastor. The Church of the Puritans would then be on trial before every judicatory where we might appear. Should these judicatories regard our differences with you as of no moment, the Church would virtually stand before the Christian public reproved and condemned; while, on the other hand, were they to reject our applications, it would be equivalent to a recognition of the irregularity of the letters, although on their face pronouncing us "in regular standing." We do not deem it consistent with Christian dignity, or propriety, instrumentally to place either the Church or ourselves in so equivocal a position. We also submit that the Church having solemnly resolved that we are in "*regular standing*," cannot with consistency refuse us *regular* letters.

Moreover, our united letter to the Church which accompanied our applications for dismissal certificates, does not appear on the records of the Church, although the resolutions, of which you have sent us a copy, and which were designed as a rejoinder, are displayed at large on the minutes. Our acceptance of the letters, therefore, would be in the nature of a *confession of judgment*, for the examination, remark, and knowledge of coming generations. Should we be required, even in appearance, to acknowledge the disgrace which the Church would thus attach to our names and perpetuate by its records?

We have desired to relieve the Church of any embarrassment growing out of the course we have felt it our duty to pursue in regard to the pastorate. In this spirit we asked for letters of dismissal and recommendation, to which we considered ourselves entitled. Our request has been, in effect, denied. Nevertheless, with this brief statement of our views, we place again before the Church our request for letters in the usual form, and respectfully ask the Church to consider the matter at its first regular business meeting. If, on a reconsideration, the Church see proper to grant this, our rightful request, we shall anticipate, with heartfelt satisfaction, an earlier termination of this unhappy controversy.

Praying that you may be guided to a right decision by the Spirit of grace and wisdom,

I remain, on behalf of the applicants,

Yours, respectfully,

E. M. KINGSLEY, *Chairman.*

P. S.—I retain, for the present, the certified copy of the preamble and resolution, for our information and guidance.

By request, I also retain in my hands the letters which are regular and in the printed form, until the Church shall take further and final action on those now returned.

E. M. K.

Seventh. Your appellants understand that at a meeting of the Church in May, 1858, a Committee was appointed by Resolution, which subsequently made a Report, (for which see Appendix C,) accompanied by these Resolutions, namely:

Resolved, That the Clerk send to the applicants certificates in the form following, to wit:

This certifies that —— is a member of the Church of the Puritans in regular standing, and, as such, at his own request, is dismissed, with the view of uniting with the —— Church, or such other as he shall apply to for that purpose.

Resolved, That (A, B, and C, parties named in the first resolution,) having applied for dismission from this Church, and having been dismissed, at their own request, are deemed no longer members of the same, or in any way subject to its watch and care.

The following is Appendix C.

REPORT OF MESSRS. CHESTER, ABERNETHY AND FAIRBANKS TO THE CHURCH.

The Committee to whom was referred a resolution offered by Mr. Fairbanks, at a meeting of the Church, on the 7th of May last, with instructions to inquire into and report the facts relating to the subject matter of the resolution, and to recommend such course of action as in their judgment would be proper, respectfully report:

More than a year since a number of the members of this Church united in an effort to induce the Pastor to resign his charge. Their communication to him on the subject was laid before the Church by the Pastor, and was rebuked by a strong vote expressing the confidence of the Church in him, and their resolution to sustain him.

At the following Annual Meeting of the Church, certain alterations were made in its standing rules, and that relating to the deaconship was changed, limiting the time of office to a term of years. At the election, the deacons in office,—they having taken part in the attempt to remove the Pastor,—were superseded by others, elected with almost entire unanimity.

It was but reasonable to expect of the dissatisfied members, that, finding themselves in a small minority, they would acquiesce in the judgment of the majority, or quietly withdraw. Instead of this, they prepared, printed, and circulated by thousands through the country, a pamphlet of a slanderous and vituperative character, intended to bring odium upon their Pastor, and upon the Church of which they were members.

The proper course of the Church, as it seems to your Committee, then was, to deal with these brethren for the offence thus committed. Had the allega-

tions in this pamphlet been truthful and uncolored, the authors and publishers, as members of the Church, would have been guilty of an inexcusable breach of their covenant obligations, in attempting, in this mode, to injure the character of a Gospel minister, and to bring into disrepute the Church with which they were in covenant. If the parties believed that they had cause of complaint, they should have sought a remedy in the mode which the Gospel, usage and right principle, concur in pointing out. And had those parties been brought to trial, there was no possibility of justifying their course. But it was natural that the Pastor of the Church, thus publicly assailed in his good name, should be anxious to have a defense presented before the same tribunal to which the disaffected members had appealed. Yielding to his wishes, instead of bringing the offenders before the judicatory to which they were amenable, the Church prepared and sent forth to the public a calm and well-considered refutation of the slanders which had been put in circulation. It was hoped by many, that some, at least, of those that had united with the disaffected members, under erroneous views of the facts, would be led by this to return to their duties, and to recognize anew their covenant obligations. Instead of this, they absented themselves from the services of the Church, and after some months, about the close of February, or early in March last, applied for dismission from this Church, and for letters to several other Churches in the vicinity. The application, instead of being in the usual mode of individual members, asking to withdraw from one Church for the purpose of uniting with another, was accompanied by a joint letter, in which they reaffirmed the charges contained in their pamphlet, and used language highly disrespectful to the Church whose recommendation they sought. This course, on their part, necessarily brought the matter before the Church for its action. Still, unwilling to deal with those offending brethren with the rigor that to many seemed a positive duty, and in consideration of the fact that the parties and the circumstances were known to the Churches with which they proposed to unite, the Church determined to dismiss them, as at their own request, and to certify their regular standing, with a view to their uniting with the churches to which they had asked letters. This was all that any member has a right to demand. It was all that in good conscience, and with the extreme of Christian forbearance, could be done in such a case. The resolution referred to authorized the Clerk to give the applicants a letter in the following form, to wit:

“This certifies that A. B. is a member of the Church of the Puritans in regular standing, and as such is, at his own request, dismissed, with the view to unite with the ——— Church, and that when received by them, his connection with this Church will be dissolved.”

In accordance with this resolution, letters were sent by the Clerk to the applicants. Instead of their being presented to the Churches indicated, they were afterwards, about the 19th of April, returned to the Clerk, with a communication, apparently from a meeting of the applicants, signed “E. M. Kingsley, Chairman.” The letters were sent to them a second time, and were again returned, accompanied by a letter signed with their individual names, referring to, and authenticating the communication of Mr. Kingsley as their joint act.

These papers, as well as the communications and applications referred to, accompany this report. The position of the applicants, and the form in which they have chosen to make their demand for dismission from their Church relations, are anomalous. They came in a *quasi* corporate body, evidently intending, by the aggregation of their numbers, to deal with the Church not as individuals, but as a combined body. In a like mode of action they send back the letters, and assume to prescribe the form in which they shall be written. The Church can not, with propriety, tolerate this. The Church, when the

subject was before them, might well have treated the action of the applicants as a secession, have stricken their names from its rolls, and disavowed all further responsibility for them as professing Christians. They have now, in still acting towards the Church as a combined and aggregate body, rather than as individual members, in the opinion of your Committee, made such a course still more proper. Yet, disposed to throw no obstacle in the way of their uniting with other Churches in the vicinity who may choose to receive them, your Committee recommend that letters be given them, bearing date on this day, certifying that they are dismissed in regular standing, at their own request, to such Churches as they may choose to have named in their several certificates.

Your Committee recommend the adoption of the following resolutions, to wit :

Resolved, That O. E. Wood, E. M. Kingsley, J. K. Johnson, Henry A. Hurlbut, Jared Linsly, R. N. Havens, Albert Chesebro, L. N. Cowley, Richard Brown, A. T. Dwight, F. E. Mather, Edward J. Owen, William Way, Stephen Paul, S. Conover, Jr., S. Churchill, E. M. Morgan, W. S. Thomson, Elisha Peck, William B. Isham, E. C. Wilcox, and J. W. Camp, on behalf of themselves and their families, having applied for dismission from this Church, they are hereby dismissed from their connection herewith.

Resolved, That the Clerk send to the applicants certificates in the form following, to wit :

This certifies that ——— is a member of the Church of the Puritans in regular standing, and as such, at his own request, is dismissed with the view of uniting with the ——— Church, or such other as he shall apply to for that purpose.

Resolved, That (A, B, and C, parties named in the first resolution) having applied for dismission from this Church, and having been dismissed at their own request, are deemed no longer members of the same, or in any way subject to its watch and care.

All of which is respectfully submitted.

(Signed)

E. W. CHESTER,
CHAS. ABERNETHY, } Committee.
DEXTER FAIRBANKS, }

New York, June 13, 1858.

At a meeting of the Church held June 16, 1858, this Report was accepted, and the foregoing Resolutions, as therein recommended, were adopted.

Eighth, The Clerk thereupon sent to your appellants, certificates in the form prescribed by the last-mentioned resolutions.

Ninth, Such certificates were, in a few days thereafter, returned by your appellants to the Church, through its Clerk, accompanied by a protest, signed by each of the applicants to whom they were issued, in words as follows, to wit

NEW YORK, June 28, 1858.

Benjamin K. Phelps, Esq., Clerk of the Church of the Puritans :

DEAR SIR : We have severally received from you a certificate, in the words following, to wit :

“This certifies that ——— is a member of the Church of the Puritans, in regular standing, and is at his own request dismissed, with the view of uniting

with the ——— Church, under the pastoral care of ———, or such other as he shall apply to for that purpose.”

As we have made no request for any such certificate, notwithstanding the implication of its averment to this effect, we herewith return the original, through you to the Church of the Puritans.

Wishing to remove our relations to other churches, we have, pursuant to the ninth Standing Rule, “asked for letters of dismission and recommendation,” in the “customary” form. It does not comport with our views of right as respects ourselves, or of duty as respects our brethren, to accept any other, especially as the Church has repeatedly pronounced our *standing* to be *regular*, and as repeatedly has refused to entertain propositions involving a trial of our conduct as Christians.

In returning these letters, we do therefore solemnly protest against the action of the Church as infringing upon our personal rights, placing us in an equivocal attitude on the records of the Church, and before our brethren in Christ everywhere, and as establishing a precedent by which a minority may at any time be summarily cut off from Christian communion without trial or relief.

We further protest against the character of the letters sent to us, as not embodying the distinct provision of the ninth Standing Rule, which directs that “all letters of dismissal and recommendation shall purport to be valid for only one year from the date thereof.”

We further protest against the resolution passed by the Church, at its meeting on the 16th of June instant, severing us from the watch and care of the Church before our acceptance by the Churches to which they are addressed, and even before our own acceptance of the letters tendered to us, as an attempt to supersede by resolution the plain provisions of the Standing Rules relative to dismissal certificates and to discipline. Signed by each of the applicants.

Dr. PORTER—We understand from the Clerk that this protest was never communicated to the Church.

Tenth, Under date of December 27th, 1858, your appellants addressed to the Church a communication in the words following, to wit:

NEW YORK, Dec. 27, 1858.

To the Church of the Puritans:

The undersigned, members of the Church of the Puritans, in regular standing, having applied for letters of dismission and recommendation to other churches, and having been offered, by formal vote of the Church, letters not in the customary or usual form, which letters were for this reason not satisfactory, and were returned under protest; and furthermore, the Church having at the same time declared by resolution that we “are deemed no longer members of the same, or in any way subject to its watch and care:”

Now, therefore, for ourselves and in behalf of others in the same relation, for the purpose of ascertaining what are the respective rights and duties of the parties in the premises, and for the promotion of Christian order, we propose that the Church unite with us, without delay, in submitting to a *mutual council*, the following questions for decision:

1st. Are or are not the applicants, by the terms of our Church Manual, and in accordance with the practice of sister churches, entitled to the full and “customary” letters; and such as have been used since the foundation of the Church?

2d. Is or is it not a violation of the Rules of the Church, of the rights of Christian brethren, and contrary to the usage of our churches, summarily to

cut us off from its "watch and care" and the privilege of membership, with objectionable letters, and without specified charges (if any) and formal trial, as is done by the resolution above referred to?

O. E. WOOD,
E. M. KINGSLEY,
J. K. JOHNSON,
E. C. WILCOX.

Eleventh. At a meeting of the Church held January 18th, 1859, the following Resolution was adopted, to wit:

Resolved, That this Church respectfully decline the proposition for a mutual council, and that the Clerk of the Church be instructed to send to those brethren requesting it, a negative answer.

as appears by a letter from the Clerk, which is as follows:—

MESSRS. O. E. WOOD, J. K. JOHNSON, E. M. KINGSLEY and E. C. WILCOX :

GENTLEMEN: By instruction of the Church of the Puritans, I have to inform you, that at a meeting of the Church, held on Tuesday evening, January, 18th, 1859, the following resolution was adopted:

Resolved, That this Church respectfully decline the proposition for a mutual council, and that the Clerk of the Church be instructed to send to those brethren requesting it a negative answer.

I am, gentlemen, very respectfully yours,

BEN. K. PHELPS, Clerk.

New York, January 25th, 1859.

Twelfth. In accordance with the well established usage, in such cases, of Congregational Churches, your appellants thereupon issued the Letters Missive for a Council, *ex parte*, in compliance with the request of which this venerable body of Representatives from other Churches of the Lord Jesus Christ is now convened.

These Letters Missive were in the words following, to wit:

NEW YORK, January 26, 1859.

To —

CHRISTIAN FRIENDS: The letter, a copy of which is communicated herewith, was addressed by us under its date, to the Church of the Puritans in this city.

The proposition which it contains for a mutual council having been rejected by that Church, we now accordingly invite you to be present, by pastor and delegate, at the small chapel of the University in this city, Tuesday, the 15th February next, at 3 P.M., to unite with the other churches invited, in an *ex parte* council, to consider the questions therein presented, and to take such action in the premises as may be deemed proper.

For themselves, and at the request and in behalf of the following brethren, namely: Henry A. Hurlbut, Jared Linsly, M. D., Albert Chesebro, L. N. Cowley, Richard Brown, A. T. Dwight, F. E. Mather, E. J. Owen, William Way, Stephen Paul, J. Walter Camp, S. Conover, Jr., Samuel Churchill, E. M. Morgan, Elisha Peck, W. B. Isham, and W. S. Thomson.

O. E. WOOD,
E. M. KINGSLEY,
R. N. HAVENS,
J. K. JOHNSON,
E. C. WILCOX.

In view of the premises, your appellants now crave your advice and assistance, and such relief as to you may seem right and just.

Especially they submit for your decision the following points, namely:

1. That the Church of the Puritans having repeatedly, and by solemn vote, after a professed examination into the matters of difference between the Church and your appellants, declared them to be "in regular standing," should have issued to them the regular or customary letters of dismission and recommendation to the several churches indicated in their respective applications.

2. That in refusing to your appellants the "customary" letters asked for by them, the Church has violated its *ninth* Standing Rule; and has also herein departed from its own established usage and the well settled practice of sister churches.

3. That the letters to your appellants, with the accompanying resolution, cutting them off from the watch and care of the Church, convey an implied censure, which is unjust to them, which is in violation of the spirit of the *tenth* Standing Rule, and is subversive of the confidence which all churches of Christ repose in the official acts of each other.

4. That this excising resolution is contrary to well-known and recognized authorities, [Punchard, p. 199; Upham Rat. Dis. pp. 147-8:] contrary to the *ninth* Standing Rule, which provides that letters "shall purport to be *valid for one year only* from date thereof," and inconsistent with its own decision of April 8th, 1858, offering your appellants letters, in which are these words: "When received by them (the churches) their connection with this Church shall be dissolved."

5. That there can, in the nature of the case, be no compromise between full fellowship and discipline; and that the Church, failing to proceed against your appellants under the *tenth* Standing Rule, was in duty bound to grant their requests for the customary letters, without obnoxious erasures and repudiating resolutions.

6. That in declining to unite with your appellants in the submission of their claims to a mutual council, the Church has evinced a culpable disregard of the protection and vindication wisely reserved for aggrieved minorities and individuals by the *second* Standing Rule.

DR. PORTER—All this is now submitted, as I proposed. I defer remark upon it.

MODERATOR—The Council have now heard the case of the brethren who have called the Council, as read by Professor Porter. Is it the pleasure of the Council that questions be now asked the Committee of the Church of the Puritans upon this subject?

No objection being made,

The MODERATOR said: I will then ask the gentlemen of the Committee whether they have any communication to make in reply?

Mr. GILMAN answered : Mr. Chairman,—When I heard who composed this Council, and saw the list of members, I expressed a great deal of pleasure, and said at once, “ That is a grand Council,—I like it !” And I do not think that the Church of the Puritans, to have tried their best, could have formed a better one, or sent out more satisfactory invitations. I expressed this as my individual opinion. When I found to-day that this good brother (Dr. PORTER) was chosen counsel to the brethren convening the Council, I rejoiced at that ; and I am free to say, that if the brethren had had as good counsel in the beginning, there would not have been the controversy in the past which this subject has occasioned, and I would not have had the opportunity of welcoming these members of the Council here, nor the chance of recommending them to get through as soon as possible, and depart in peace. I must make a few remarks on the subject matter before the council. I did not suppose we would go beyond the application for letters of dismission, which I understand to be the only subject fairly before us. But since the matter has been alluded to, I must briefly refer to a few points in reply, with respect to the action of the Church of the Puritans, a Committee from which is now present, and in whose behalf I will say a few words. We say nothing about the propriety of the letter addressed to Dr. CHEEVER, but we do call your attention to the fact, which will be found on record, that the very first proposition for a council made by these brethren to the church, was that the subject matter between the signers of the letter and the pastor should be referred to the signers of the letter to arrange with the pastor ; and if they could not agree that he should retire, and that the pastor and they should call a Mutual Council to settle the whole matter, and leave the Church entirely out of view. The record tells the fact, and you will find it if you will refer to it. It also shows another fact—that the signers of this letter embraced several members of the congregation. So when there were several propositions for a council, the Church could not entertain them for a moment—and yet the signers among the congregation of whom I spoke, voted for it.

Another proposition was made for a Council, in consequence of the Church altering its rules. They considered it so self-evident that a Congregational Church could in an orderly manner alter its

be made within a week. When the names of the brethren were rules, that they were unwilling to take any measures to trouble the people out of the town with the subject.

In regard to the past transactions I have no occasion to review them here, for no one on behalf of the Church thinks proper to do it. As for the documents laid before us, there will be occasion afterwards to speak of them. I will now come to the point, and that is in regard to the propriety of issuing letters in the manner and form offered by the Church of the Puritans to these brethren.

MODERATOR.—Do I understand the brother now to enter upon a discussion of the propriety of that course?

MR. GILMAN.—I want to justify it by stating the circumstances under which we were placed.

MODERATOR.—The Council will now determine the question which agitated us this afternoon—what latitude is to be allowed the Committee; whether they are to go into arguments as to the justice of the proceedings of the Church, or whether they are simply to state facts and answer questions, if questions should be deemed necessary, in further explanation.

MR. GILMAN.—I will be so brief that there will be no cause for submitting that question to the Council.

MODERATOR.—Perhaps there will be no necessity of submitting this question to the Council, as Mr. Gilman states that he will be brief. Proceed, sir.

MR. GILMAN.—I will confine myself to the facts. I think the matter has been very well presented by the counsel on the other side. I am very sorry to say that we had not time in the hour to put *our* statement in print. One fact I will mention is, that when these brethren applied for letters of dismissal from this church, the circumstances were extraordinary—very much so, indeed. It was accompanied with a document of six or eight pages, signed by members of the *congregation*, as well as of the church—not many, to be sure, but enough to have a mixture. The circumstances were so extraordinary that the church felt compelled to take extraordinary measures with regard to it. When the letters were asked for, there was no objection to granting letters to the females. As a matter of course they would be all granted, unless objection would

read, objection *was* made. It became necessary to make a rule under the circumstances of the case. A committee was appointed to report upon the subject. When granting letters they did not adhere to what is called "the customary form." I presume there are not ten of the remaining members of the Church of the Puritans who ever saw the "customary form." I presume it will be perfectly manifest that the church never adopted any form; but the clerk may, for his own convenience, have had half a ream printed, and they were used from time to time. The form was considered unessential. But when the committee reported, they made a form for themselves; they recommended what you have heard already—that a reply should be given to the letter, and that letters should be granted. I suppose there is no doubt at all, that there were members of the church who would be very glad to pass a censure on these brethren, but no censure was passed. The majority of the church, in good faith, granted letters, as ministers do from all the churches from Madison Square to the church in Mercer street, inclusive—letters such as we were willing to receive and to give, such as those who remained would have no objection to receive as "full and complete"—such as are nine-tenths of the letters from New England. The trouble about the letters, the council will observe, was this: that, because of the custom which prevailed in issuing letters, as no objection was made, letters were given in the printed form in behalf of the female members of the church. When the committee made its report, it prescribed the form of letters to the brethren.

As I remarked, this action was intended in good faith, and passed with an earnest desire to settle all the troubles. I believe that there could have been no reasonable doubt that if the applicants for these letters had made application in the ordinary form, there would have been no reference to a committee; no objection to grant letters; and their request would have been passed without debate. But coming with the document which you have heard read, it seemed due to itself on the part of the church, to take extraordinary measures in reply, which they did. They did not consider that they were dismissing these brethren from the Christian church. They took such measures as the necessity of the case required. Suppose a member of our church should request a letter of dismissal to a church of a different denomination; it would have been in

accordance with our rules, but, of course no letter would have been granted at all—the name would have been stricken from our list. Our letters were granted, directed to the other churches they then designated. After they were sent, they were returned *en masse*. The letter returning them was sent by the chairman of the meeting. It was then discovered that the clerk had delivered them all to one of the brethren. The church thought that was very improper; that they ought to have been addressed to the individual members, throwing upon each member the responsibility of accepting or declining the letter. But the parties holding these letters in their possession had not taken that course, and when they were returned, they were distributed, in order to give each member an opportunity to decide for himself. It may seem strange—it certainly did to the church—that the letters to the females should be withheld. It was strange, particularly as many of the brethren who asked, individually, letters, and to whom letters were granted, which were not acceptable, joined in saying that the letters for the females would be retained until the case of the brethren should be disposed of. That did not seem proper in the eyes of the church, nor essential, as many of those men had no wives or daughters, and there were widows and married ladies who were entitled to their letters whether or no. It seemed proper on the part of the brethren of the church to make a common case of it. Under these circumstances, the church, being wearied with the subject, felt it their duty—as they had tendered again and again letters to those brethren directing them to the city churches that they wished to go to, as they had left our service, as they had left our communion, as they had attended worship in other churches, every one of them, perhaps, naming the church to which he would go, although refusing to accept those letters—to erase their names from the church roll as distinctly as if they had gone to a church of a different denomination. And in such a case we could not give any under the rule. It was left to those brethren to act in accordance with the common law of love. And now, the Church of the Puritans hold, that under the circumstances in which they were placed, they were justified, in view of their duty to those brethren, having used divers means in endeavoring to bring about a reconciliation, without success, to finally decide that they were no longer in our connection. They are at liberty to unite with any other church. There is no evidence that they

have ever offered the letters to any other church. No one supposed that they would be refused in any of the churches of the city if the individual characters of the persons themselves were as they were believed to be. These are the facts. Perhaps more will be added when we hear the additional facts, which I understand are to be presented on the other side.

Dr. THOMPSON—I should like to ask whether this request to the Church for letters of dismission, was signed by members of the Congregation not members of the Church?

Mr. GILMAN—Not the formal request for the letters, but the document accompanying it, was signed by members of the Congregation, wherein they pass opinions upon the conduct of the Church.

Mr. WOOD—We could not, as gentlemen and Christians, leave the Church without giving them our reasons. The request for letters which we sent to them, was signed by those of us who are members, individually.

Dr. THOMPSON—I ask to see whether I understand the matter distinctly—that when these brethren requested for themselves letters of dismission, accompanying that request, and, in explanation of their reason for making it, they sent a certain document to the Church, which document was signed both by themselves and by members of the Congregation, not members of the Church, acting with them in this matter. Is that correct?

Mr. GILMAN—Yes, sir.

Dr. STORRS quoted “the undersigned, members of the Society or Church of the Puritans, and either signers of the letters of the 27th of April last, (1857) or acquiescing in its request and propriety.” They represent, as I understand it, that they have signed this letter as “members of the Church or of the Society.”

Mr. WOOD—Yes, sir; we wished the Church to understand our views and position in making this request for letters, and these brethren were willing to join us in stating to the Church the reasons by which we were all actuated.

Dr. BACON—I would like to be informed, by either side, or by any member of the Council, what bearing that question has upon the subject before us. That certain members of the Congregation signed that letter, I do not see is an important circumstance. It has been

mentioned on both sides. I would thank any brother to say of what it is supposed to be significant.

Dr. PORTER—It was not introduced by us. I would state that FIVE only of the signers of this communication (Appendix A) were members of the congregation, and not of the Church.

Mr. DEXTER FAIRBANKS—I shall detain this Council but a few minutes, for I am sick and not able to talk long. I am going to try to fling a little light on these letters, and to show why they varied from the general form. And I think, when this Council know all the facts of the case, they will say that our view ought to prevail. Mr. Chairman, in the first place, sixteen gentlemen in this Church undertook to say that Dr. CHEEVER ought to go away; and they supposed that Dr. CHEEVER was going to put that letter in his pocket and say "Good-bye, gentlemen." Dr. CHEEVER felt, as I believe this Council will justify him in feeling, that it was his duty to ask his Church whether they wished him to go away. That was a great offence in the estimation of these brethren—that he should let anybody know he had that letter. They thought he should put it in his pocket, and go off; but he thought fit to ask the Church, "Do you wish me to leave?" The Church said, "We have confidence in our Pastor, and we will keep him and support him."

Then, Mr. President, those gentlemen did not ask letters to go away, neither did they settle down in a quiet manner, and attend to their different duties. But at this time, when they presented their letter, they were called upon repeatedly to give us a reason why Dr. CHEEVER should leave. We waited a considerable period, but their time had not come to give an answer. Well, two months after that—I won't state dates—the time did come; and it happened to come when Dr. CHEEVER had left the city to go out West, to fill an engagement.*

* NOTE BY THE COMMITTEE OF THE APPELLANTS.—It is due to exact truth to state here, that Dr. CHEEVER himself read the call for the meeting, which was signed by 26 members of the Church, *including SIXTEEN of the signers of the Letter of April 27, 1857.* Between the Sabbath, July 12, 1857, when the call was read, and July 16th, when the meeting was held, Dr. CHEEVER left the city. Now it is cast as a reproach upon the signers of the letter, that they called this meeting when Dr. C. was absent! Yet, he himself, by his own act,—of course, not designedly—made the occasion or opportunity for these comments on the magnanimity of the seceding brethren. The editors of the N. Y. Tribune were, by somebody, inveigled into a similar representation immediately after the adjournment of the Council. It were more becoming to state the facts as they were.

Then these brethren called a meeting, and wished to present their reasons. The Church of the Puritans thought like this: "Brother Dr. CHEEVER is in the case; he must be present to hear them." "It is very improper that these representations should be made when Dr. CHEEVER is away; wait till he has returned, and we will hear you." * All their reasons were in type that night.

MODERATOR—The Council will see where this course of remark is tending, how far it is within the limits of a simple statement of facts, how far it is justification and argument, and determine whether they will sanction it.

Mr. FAIRBANKS—I wish to be told if I am pursuing a wrong course. I will endeavor to use very few words. We told them we could not accept of that statement at that time, but when Dr. CHEEVER had come home we would hear them. Then they offered their statement to the world. It was the opinion of many members of the Church that discipline ought to be commenced at once, for sending this statement to the public; but other members—among whom was myself,—I am happy to be a conservative man—thought that we had better not apply it, but that we should answer that statement. We went to the Church records, and we did answer their pamphlet from the Church records. Now, all I ask as a member of the Church of the Puritans is, that this Council take their report that they sent to the world, and take ours, and compare them with the Church records that those brethren made—and we ask nothing else. Then these brethren who sent out those facts to the world, persisted in the same course, keeping away from the Church. At last, they applied for these letters, and this question came up: "Can we give the usual form of letter? Can we say *good* before the word *regular*?" Every man, as I understand it, is a *regular* member until the discipline is commenced. We left out the word *good*, and the phrase *affectionately recommended*. We could not leave these in, because these brethren had stated that what we said was not true, and they had not come near us for six months, to the communion table; and if those were facts, which they stated, we should

* NOTE BY THE COMMITTEE OF THE APPELLANTS.—At this very meeting, the Church even refused to entertain a motion offered by the Clerk, F. W. KING, Esq., agreeing to hear the disaffected brethren on Dr. CHEEVER's return. And yet Mr. FAIRBANKS ventures to put such language as this into the mouth of the Church, "Wait till Dr. Cheever returns, and we will hear you!"

believe ourselves in saying *good*, and *affectionately recommended*. We did it on purpose. We did not make any mistake at all. We did just what we meant to do. These letters were sufficient to take them into any other Church in the city. But we are informed that those brethren have said, they didn't care a fig about the letters. We expect to show this Council (and we are under great obligation to this Council for inviting us to come here,) that the trouble lies in a nutshell, namely—as these brethren said in their own minds—“We want to dismiss Dr. CHEEVER, and we are determined to do it!” All we ask this Council to do is, to take their documents, and our Church records, and then I am willing to rest the case in the hands of the Council.

MODERATOR—I deem it my duty to call the attention of the Council to this matter. Those remarks (which I did not see fit to interrupt) contained personal reflections on the integrity of those brethren, charging them with asserting false reasons, and that they did not care a fig about the letters; and that their only object was to get rid of Dr. CHEEVER. Now if this course of remark is allowed we see at once how widely different it is from explanatory statements; and I must say that the Council are either to determine what shall be the limit, or give me the discretion to call brethren to order when I think they are digressing from the subject. Else, I do not know what is to be the result.

Dr. BACON—I think you were right in not interrupting the brother, but at the same time I think you were entirely right in the statement you have made. We don't want to have the whole history of the difficulties in this Church analyzed here. The documents that were connected with the original application for the letters are inseparable from this account, and the reasons why the Church declined giving letters in the customary form are what ought to come before the Council; but imputations here, as you suggested, upon the motives of these brethren, are, it seems to me, as much out of the way as imputations from these brethren would be upon the motives of the Pastor or of the members of the Church. Two questions are before us here—First, whether there ought to be anything less than a full dismissal granted to a brother, desiring to retire, and who is not to be dealt with according to the discipline.—There was a sort of a letter given to a member in Connecticut. He had been a little troublesome, and the Deacon who was then presiding officer in the

Church drew up a letter in this form, "We certify to you that A. B. is a member of this Church in regular, but by no means high standing." Is it well for such a letter to be given to anybody? It is for these brethren who represent this Church to show us if they can that they had a right to pass off upon other churches members who were not good members. That is a question which my mind labors under, and upon which I would be glad to receive information. And furthermore, we have, in established churches, of necessity, a certain mode of terminating the connection between the church and a member who has gone off. For example, if he has gone to California without notifying the Church, and you want to purge his name from the roll, there is a way to do it. The question is, whether this case is governed by that precedent? Now, whatever the brethren can say on their side to give us light on these two questions will be pertinent; but we don't sit here to go over all the transactions that have been connected with this matter. We have come on another message, as I understand it. We should give an opportunity to them to say anything that will help to remove feelings that are unkind, for we want to remove them; but we don't want to give opportunities, if we can avoid it, to say anything that will have a contrary tendency.

Rev. C. J. WARREN—I rise with some deference, to address the Council, for I fear that I may differ somewhat, perhaps materially, from each of my colleagues who have spoken. Dr. BACON has presented the subject in the light that I have wished it to be presented in, since I have been in your presence this evening; and the simple question before you is, as stated in the letter, but more distinctly stated by Dr. BACON,—“Can any other than a full and complete commendatory letter be given any member of any Church?” It seems to me that the subjects presented to you are theoretical and doctrinal, and that they do not require, or hardly permit, any reference to any case in particular. But let this Council decide.

Dr. BACON—I would add to what I said before, that I have received some information from both of the brethren from the Church who spoke before the brother who spoke last, in regard to the reasons of their proceeding in the case. I do not recollect that either of them said why the Church declined the request for a Mutual Council. I think it would be well to ask them why this proposition

was declined. If they would rather not give any reasons, why of course I will be satisfied.

MR. WARREN—I do not know that I can answer distinctly the questions propounded by Dr. BACON. The Church is a collective body. It is not certain that any two of the members of that Church ever acted distinctly in view of precisely the same points, looking at the subject.

I had desired to say, before taking my seat when last up, that the Church, when called upon as they were to give letters, felt themselves competent either to give or to withhold, and if they should give letters, to give such as the circumstances demanded and justified; and I believe the Church, as has been repeatedly stated by Deacon Gilman, never has been confined to any specific form of letter, and probably never will be. I believe that this was the general feeling—that the Church had the right to act according to what they thought was wise and prudent. And they did so. When the request was made for a Mutual Council, the Church deemed it unwise to answer that request in the affirmative. The Church saw no necessity for it, and in their best judgment they decided that they could not grant a Mutual Council. This is as far as I know the feelings of the Church.

DR. HAWES—We can bring this matter to no decision this evening, and so I move that we adjourn till to-morrow morning, at 9 o'clock.

The motion of DR. HAWES was adopted, and the Council accordingly adjourned.

SECOND DAY.

MORNING SESSION.

The Council reassembled, in the large Chapel of the University, on Wednesday morning, February 16, at 9 o'clock.

At the request of the Moderator,

DR. HAWES led the Council in prayer.

The Scribe then read the minutes of the previous meeting, and the Moderator inquired if they needed any amendment, when

DR. BACON observed: The titles of the Churches are given correctly, with the exception of the "Third Church of New Haven." It is properly the "Third Congregational Church." I merely wish to give it the denominational title.

This suggestion was incorporated, and the minutes approved.

MODERATOR—When the Council closed its session last evening, we were listening to statements from the committee of the Church of the Puritans. Do the Committee wish to make any further statements at the present time?

MR. GILMAN—Mr. Moderator: I beg leave to state two or three facts in connection with what has already been presented as the charges against the church. If there is time, the clerk of the church will place it in written form. The first and second propositions on the 7th page of the printed document in your hands refer to the "*customary* letters." I would state, Mr. Moderator, for the information of the Council, the circumstances under which this rule was adopted, and in what way the word *customary* was introduced, and the interpretation, I think, the Council will fairly put upon it. The Church of the Puritans was organized in this building ten or fifteen years ago; and at its organization they adopted certain rules, one of which was the granting of customary letters. The word *customary*, of course, must have referred to letters such as Congregationalists in other parts of the land were in the habit of extending one to another. But in regard to the custom of this church, the church had no occasion to issue a letter; the church adopted no form in regard to letters,—there is no record of any form being *proposed*; it is not known to those who appear here that any form was proposed to the church. The word *customary* must have had reference to the custom in Congregational Churches. I need not say to the members of this Council, that in every church there is a great variety of forms used; probably no Congregational Church whatever is so bound by any precise form of letter, that it could not be varied according to the circumstances of the case. Probably (I do not know the fact, for I have not seen the letters *received* by this church) probably there are not half a dozen alike. Probably in most of the country churches the form is such as the pastor or clerk thinks proper to write. I will only allude to a single case to show how different some of these letters are. I suppose if I should

ask the Council in regard to the custom of the church in Yale College, he would say their practice usually was to give a letter of dismissal without saying anything about "affection," or anything else. The church which I have specially in mind, is a church of a different denomination. I read the letter given by it merely to illustrate the position which I wish to present, and which I consider very important as a fact in regard to the custom of this church.

"This certifies that (A. B., naming the party) is a member of the —— church in this city, and during a long residence among us, his life and conversation exemplified and adorned his Christian profession, and since his removal from this place, our confidence in him is *unabated and entire*; and, at his own request, he is hereby dismissed, and most cheerfully and cordially recommended to the —— church in ——, or any other church where the providence of God may cast his lot.

November 18, 1837.

[Signed by the Pastor.]

I suppose in many cases the Pastor of a church would issue that from choice. It might have been in taste to issue it in a private letter, but certainly no Pastor here would be willing to adopt that in all cases. The printed form that was introduced was not the act of the Church of the Puritans. No objection probably has ever been made to it. It probably was a copy of a letter from one of the Presbyterian Churches in this city, in substance. I have a letter here, from the Brick Church, from which one or two brethren came, signed by the Pastor—a very good authority in some localities. The substance of it was probably adopted by the clerk of our church for convenience, for it is convenient, in large cities, to have a printed form. We wish it distinctly understood, that all the emphasis on the word *customary* must apply to the churches existing at the time this rule was adopted by the Church of the Puritans at its formation. The main point is to show that a member is in regular standing, and then, by consent of the church, the letter is granted; the *form* is of minor importance, the *substance* is what we are after. The letter first tendered to these brethren they do not allude to. They allude to the one which cuts them off; but the letter which was first given to them was in strict accordance with the custom of Congregational Churches.

The other point to which I would make allusion is this: (I cannot state it as a fact, but I believe it to be a fact, and I suppose the gentlemen can say whether it is or not). I understand that that

interpretation was given to this very rule by one of the Prudential Committee in case of a member being sent to Brooklyn with a letter, when, it is said—I do not know whether it is true or not—that by special request the letter was qualified, and the printed form varied from, on the ground that it was a case where it was expedient to do so; and the Prudential Committee did not issue the letter (as I am told) until the form was varied. This is of no importance at all, except to show the interpretation put upon it by those who originally made the rule itself. The present church do not claim that there is any rule about it, except what is customary among Congregational Churches; and they have a right to alter it from time to time according to the circumstances of the case. And if the Pastor varies it in respect to non-essentials, he should not be called to account.

The other point is this: An allusion has been made to the refusal of the church to call a Council.—That can be only in regard to the subject matter before it. The church had refused to grant a council previously, but it was in reference to subjects entirely foreign to what is now before you, and so I won't allude to them.

Dr. BACON—I believe I asked why the Church declined giving a Mutual Council on this last question?

Mr. GILMAN—No reasons were assigned. They thought it was too trivial a proposition, and did not think a Council necessary. I am not authorized to give any reasons. I have already communicated the substance of what occurs to me. I do not know whether the Clerk has anything further.

Mr. BENJAMIN K. PHELPS, Clerk of the Church of the Puritans, said: I wish to present a statement embodying the views of the Committee. The Committee regret that in preparing it they have been necessarily obliged to do so in great haste, and the positions the Church has taken may be inconsiderately expressed, although they do not deem that they are inconsiderately, or unwisely taken.

Mr. PHELPS then read the following statement:

The Committee of the Church of the Puritans deputed to attend the Council now in session, in behalf of the Church, respectfully submit the following statement:

The Church of the Puritans, while constrained to decline the proposition made to them to unite in this as a Mutual Council, are entirely willing and ready to furnish to this Council any information in their power as to the matters submitted by the parties who have convened it.

The questions involved are,

First. The right of the Church to issue the letters they did to the members by whom and in whose behalf this Council is convened.

This Church does not suppose that any Congregationalist will deny the right of the Church to prescribe the form of the letters which shall be given to its members when applying for dismission.

The Church could *not*, in accordance with the ninth standing rule, as quoted by the appellants here, have given them the *customary* letters, as the printed form which has been used is styled, though neither that nor any other form has been formally adopted by the Church, except in individual and particular cases. The word *customary* is well known to refer not to our printed form, but to the custom of the Churches; for when this rule was adopted there was no form printed. The ninth standing rule provides that, "if at the end of one week after the application no objection has been made to the Pastor, he or the Clerk shall issue the customary certificate," &c.

In this case there is no dispute, and it appears by the Church records that objections were made in due time to the issuing of the customary letters to these appellants. There was then no authority in the Church to grant the customary letters. They could not do it. Here then was a case presented for the government of which the rules made no provision. The Church then, after much and careful deliberation, resolved upon the course finally pursued, which it was well understood was a compromise adopted as the last and most effective method of removing the difficulty. A part of the Church were inclined to proceed to immediate discipline. All finally agreed, however, upon the course which was adopted. The Church prescribed the form of letter, being perfectly certain that that form was sufficient to admit the brethren into any Church they chose. They did not feel that they were doing any wrong in dismissing these brethren who had offended and grieved them, to other Churches, because the other Churches to which they proposed going were all cognizant of the matters of difference and been observers of the whole controversy, and were abundantly able to judge for themselves of the fitness of these appellants for their communion.

If so far there was anything irregular it must have been on the part of the members of the Church who objected to the customary letters being issued. But those objections having once been made, the Church could not grant the customary letters until these objections were removed. They were not removed until this course was adopted. The Church had to provide for an anomalous case, and exercised its undoubted right to determine what its course should be.

Second. The second point made by the appellants here is answered in the former head, showing that the ninth rule not only did not require, but prevented the Church from granting such letters.

Third. That the spirit as well as the letter of the tenth standing rule refers only to private grievances, as is evident from its form, and not to matters of public notoriety, and the application for letters of a united and semi-organized body.

Fourth. The excising resolution, so called, was adopted after perfectly

sufficient letters had been twice returned to the Church, and the Church had no reason to hope or expect that the persons to whom they had been issued intended to use them. A departure from precedent is amply justified by the fact that the case was a wholly anomalous and extraordinary one. This Church feels bound, as a Church of the Lord Jesus Christ, to exercise its own judgment in matters presented for its consideration ; and when the case is entirely without precedent, it is evident that the action of the Church must naturally be without precedent also.

Without going into the history of the Church difficulties which this Council has expressed an unwillingness to consider, (but which the Church are ready at any time to lay before this Council, should they desire it,) the Church would call attention to the extraordinary and entirely unprecedented nature of the applications made by these appellants to the Church, accompanying it, as they confessedly did, by a document signed by themselves and also by members of the Society. This document was part of the application, and must be and has been considered as such. Is it not unusual, extraordinary and unprecedented for members of a Christian and Congregational Church to accompany their application for letters of dismissal therefrom with such a document as the one in this case ? The question of precedent, then, is not to enter in this case.

Fifth. It is not true that there can in no case be a compromise between full fellowship and discipline; and, moreover, the Church did not by any action that they have taken permit or hinder the full fellowship of the members dismissed with any Church they might desire to unite with. The letters are admitted to be sufficient to carry them into full fellowship, and that they are not now in full fellowship with those other Churches is their own fault, if fault there be, and theirs alone. The Church did not conceive itself bound to furnish such a letter as the member or members applying for dismissal should see fit to dictate or require. A good and sufficient letter was given to secure them admission into any other Church. Having offered them these letters twice, and having had them twice returned, the Church determined not to proceed to any extreme measures of discipline, as some advised, and strongly urged, but to close this fruitless and profitless bandying of letters back and forth, by declaring these brethren definitely and finally dismissed from their membership. This the Church had a full and most undoubted right to do, violating no Congregational order nor precedent in so doing, but simply establishing their own course in an entirely unprecedented and anomalous case.

Sixth. That in declining the proposition for a Mutual Council, the Church acted within the strict line of duty as a Church. The Church does not see that any Church requires the instruction of a Council as to the form of letter it shall give to members asking for dismissal from it, nor does this Church conceive it necessary, after having once marked out its own course in a new and unusual case, to assemble a Council to ask if they have done rightly. The Church were called upon to act in an emergency, which, perhaps, and probably in this form, never occurred before in a Congregational Church, and for which certainly this Church knows no precedent.

The simple question involved is, whether a Congregational Church of the Lord Jesus Christ does or does not act within the proper scope of its authority and independence when it decides for itself, and definitely, what is the course to be pursued in a case entirely without precedent in the history of the Church; whether a Congregational Church has a right to adopt novel measures in novel emergencies. This Church firmly believes that such is and must be the right of every Congregational Church. Without such a right being conceded, anomalous cases could never be decided by the Churches. If the Church had the right to adopt any course that was unusual and novel in an unusual and novel case, then neither this Council nor any other body can properly decide whether the course actually adopted was a wise and Christian one, without first hearing a full and explicit statement of all the transactions connected with the matter, and of all the causes, however remote they may be, which led to the adoption of that particular course. Such an exposition in this case the Council seem to be inclined not to hear, and therefore will proceed to consider as the Church conceives, only the theoretic and doctrinal question of, whether a Church may in an extraordinary case adopt extraordinary measures.

Praying for the blessing of God upon the various members of the Council, and upon the Churches which they represent, the Church offers this statement to the Council through their Committee.

(Signed)

WILLIAM C. GILMAN,	} Committee of the Church of the Puritans.
DEXTER FAIRBANKS,	
C. J. WARREN,	
BENJ. K. PHELPS,	

MODERATOR—Do the Committee wish to make any further statement at this time?

MR. WARREN—Mr. Moderator, as one of the Committee, I beg leave to say a few words. This document, submitted by the Clerk of the Church, was written last evening, after leaving this Council, at a late hour, and it has been submitted to the Committee this morning, and, except in a few sentences, meets my approbation. There is a question whether those particular points in it which refer to the full competency of that letter to admit into any or all other Churches, and one or two other questions, should have been inserted. But I did not make any objection to them, and shall not now. I believe the feelings of the Church were, that they would give such a letter as they thought the circumstances justified, and leave it for the applicants, and the Churches to whom they were sent, to decide upon their competency for admission. That document may be liable, perhaps, to a misconception, where it speaks of the right of the Church to adopt any form of letter in particular emergencies. I hope this Council will not suppose that the Committee, or the

Church, or any of its members, would think it possible that the liberty and independence of a Church of Christ should ever descend into licentiousness and into extravagance. And when I say, that when the Church has a right to adopt such a form of letter of dismission in extraordinary cases as the circumstances demand, I wish it to be understood as meaning *within the bounds of Christian propriety*. The Church felt that, under the circumstances, they could not give the printed form of letter. Neither were the Church, as a body, willing to cut off these brethren from the communion of other Churches.

Dr. HAWES—Has the Church a printed form which it usually adopts, of recommendation or dismission ?

Mr. WARREN—I think not, sir. A form was printed, if I understand aright, by the Clerk of the Church for his own convenience, and the Church has not always abided by that form. I would say on this point, that the Church has deviated from that form in exactly the same way, and I believe by the suggestion of Deacon Wood. Application was made by a member, a clergyman, for letters of admission and recommendation to a Church in Brooklyn; and circumstances prejudicial to his standing as a clergyman and Christian, in reference to some important points, were suggested to the Prudential Committee, and, if I am rightly informed, Deacon Wood was not willing that he should receive the usual printed form without appending to it a statement, which statement was the means of preventing his admission to the Church to which he applied for admission.

Dr. PORTER—I would like to ask Mr. WARREN whether he is aware that there has been any deviation from this printed form in any one case, except that of the appellants and of Mr. HATCH ?

Dr. THOMPSON—Is that case of Mr. HATCH admitted ?

Dr. PORTER—I wish to introduce it at the proper time, but I desired to bring out this question when there is an opportunity.

MODERATOR—Perhaps it would be better to defer any inquiries to the proper time.

Dr. PORTER—I would like to ask the question now, because I wish to prevent any farther dispute.

The question was repeated, and

Mr. WARREN replied—I am not aware of any other deviation.

I was about to say that, if I am rightly informed, a letter was given from one of the Churches in New Haven to one of the Churches in this City in the usual form, appended to which was a qualification from the Pastor that the member had gone into the sale of liquor in a hotel, or something like that, and the effect of the appendix was the means of keeping the brother out of the Church for a long time, but after discussion he was finally admitted. Now, Mr. Moderator and brethren of the Council, I hope you will understand that the Church, when pleading for the independence or right to exercise its judgment in regard to the course to be pursued by it in novel and extraordinary circumstances, does not mean to advocate the right to descend into licentiousness, or anything that outrages Christian doctrine or Christian courtesy. I am not aware that a single individual of this Church ever desired that a sentence of excommunication against these brethren should be passed, or that a barrier to their full communion in any other Church was designed. They felt that the character and conduct of the applicants for these letters, and the circumstances under which the letters were given, were well known, and that the Churches were perfectly competent to decide upon the matter; and there was no unwillingness that those brethren should enter any other Church to which they wished to go, and be there welcomed in full communion. If the Council ask for information as to why these brethren should not have received from the Church a full recommendation, or any other letters than those they did receive, I do not see how it is possible for the members of this Committee, or the Church of the Puritans, to give the Council any light upon that subject, without the presentation of the practical conduct of those brethren, and acts which they had done—in view of which the Church granted such letters as they did—and such a presentation of the facts of the case I suppose to have been shut off, by the resolution that nothing back of this request for a Council should be received.

MODERATOR—Have the Committee finished their statements for the present?

Mr. PHELPS—I have here the records of the Church which will show the action of the Church upon the application for letters, which, if the Council desire, I will read for their instruction.

Dr. BACON—I think that is a matter that comes properly before us. No objection being made, the Moderator told the Clerk he might

read the record. Mr PHELPS then proceeded to read the minutes of the Church, March 12, 1858, when

Dr. PORTER said—That is in our printed document.

Mr. PHELPS—The *final action* is, but the proceedings of the Church are not. Of course we have no desire to intrude it.

Dr. PORTER—It is, as I understand it, a record of the proceedings of the Church at their first meeting, when they were called on to act on the communication, Appendix A.

Mr. PHELPS—This is a meeting that was held on the 12th of March, 1858, and the first recital on the record as having applications for dismissal presented, for “the following persons,” naming the persons concerned in this proceeding.

Dr. PORTER—If we are to have the records of the action of the Church, it may be necessary for us to adduce testimony showing the circumstances under which that meeting was held, the spirit by which it was actuated, &c.; and to go into some detail which would not be desirable, and might rather contravene the course of policy we prescribe to ourselves.

Mr. PHELPS—It is before the Council if they desire to have it, but the Committee have no desire to intrude it.

Dr. PORTER—Will the brother show the point or purpose for which the Committee wish to introduce it?

Mr. PHELPS—The Committee do not wish to introduce it. It was suggested that it might be introduced, and a member of the Committee called for it, and I proceeded to read it.

Dr. PORTER—We have no desire that it should be introduced, though we do not shrink from hearing it, provided the Council will give us an opportunity of introducing other testimony respecting it.

Dr. PALMER—Unless it has some special bearing, I think it would not be well to read it. It may involve a good many issues which will take up much time in controverting. If it gives only facts bearing on the general controversy we do not want it.

Dr. BACON—The reason I called for it was this: The record of the Church, on the application of these members for letters of dismissal, is the very *res gestæ* on which we are to act. We have had extracts from the record; why not have the whole of it? As Dr. Palmer said, if it contains any new facts pertinent to the case, we ought to have it. If it does not, it would do no harm to read it.

Dr. PORTER—If the Committee will give us some view of the

object, we can decide better whether or not to withdraw our objection.

Dr. THOMPSON—When the Clerk rose I was about to put a question, which I suppose the reading of the record would answer, and if it is not read I will put the question, as one calculated to enlighten the Council. I would state, in one word, that the point I have in mind is (according to the suggestion made), that the granting of these letters was a compromise in the Church itself, between parties of different sentiments, one party insisting upon discipline, and the other preferring a full dismission; and that those parties came to a compromise in granting this letter, not with a view to reproach these brethren, but with a view of terminating the controversy in this Church without damage to these brethren.

Dr. PORTER—We withdraw all objection to the reading of these minutes. We wish the Council to understand that the action of the Church was adopted, to a certain extent, with a desire to mediate between two parties; and as we claim, this extreme action is in part accounted for in this way: that there were parties aside from the appellants—parties in the majority.

MODERATOR—Does the written statement contain anything else than what we have heard for the last two hours?

Mr. GILMAN—I stated yesterday that this letter to these brethren was granted in good faith, and not intended as a reproach to them. From the remarks of one of the Committee afterwards (Mr. Fairbanks) it would appear that he had a different view of it. One of the brethren has since told me that he (Mr. Fairbanks) did not vote for it. The facts were these: that letter was not granted by persons who were willing to censure the applicants. Persons may have voted for that letter reluctantly, because they wished discipline; but it was granted in good faith. When the letter was prepared, and some persons who were unwilling to grant a letter saw a tendency to its being granted, they moved that the reply to the document of these brethren should be appended to the letter. This request was passed upon in the negative; the Church refused to annex to the letter anything which of necessity would carry any subject matter to any other Church. If that reply had been annexed to the letter in such a form that in presenting it at Madison Square Presbyterian Church, or the Brick Church, it would not have been received, the vote would not have been passed; for there were

brethren there who knew it would be entirely improper to communicate to any other Church anything reflecting upon these brethren.

DR. BUDDINGTON—If I understand Deacon Gilman, he means to deny that there was any intention to imply censure.

MR. GILMAN—I cannot doubt that the Church meant what they said in their letter. There might have been as many opinions as individuals; but in adopting it, the Church did not intend any censure.

MODERATOR—The Moderator understands that the record is but an authoritative written statement respecting the very *res gestæ* which has been stated by the Committee. I will therefore admit its being read, unless the Council overrule it.—The Clerk will proceed to read.

MR. PHELPS then proceeded to read, without interruption, minutes of meetings of the Church of the Puritans at which the case of the appellants was discussed, as follows:—

MARCH 12, 1858.

A business meeting of the Church was held in the Lecture Room after preparatory Lecture, the Pastor presiding. Mr. B. K. PHELPS was elected Clerk *pro tem*. The Pastor presented applications for letters of dismissal and recommendation to other Churches from the following persons, (giving the names of the female and then the male members.)

MR. J. W. HALSTEAD objected to letters being granted to the gentlemen above named, on the ground that they had promulgated slanderous and false accusations against the Pastor of the Church.

MR. B. K. PHELPS also objected, because the members so applying are not in such relation with the Church that the Church can consistently grant them letters.

MR. SIBREE offered the following resolution:

Resolved, That in view of certain slanderous charges and insinuations against the Pastor of this Church, published in a pamphlet by certain brethren of this Church, and fully investigated by a Committee of this Church and found to be not only without foundation in fact, but singularly gratuitous, unjust, and unwarrantable, and yet reiterated recently in the applications of some of those brethren for letters of dismission, that the authors and abettors of those be and they hereby are solemnly censured by this Church, and urged to repentance of their sins.

The resolution was seconded.

MR. E. W. CHESTER called for the reading of the document which he heard had accompanied the application for letters of dismissal and recommendation, and it was read by the Clerk. MR. CHESTER moved that the whole matter be referred to a Committee of three to consider the same and report to the Church.

After discussion MR. CHESTER withdrew his motion, and the meeting was adjourned to Friday, March 26, 1858, at 7½ P. M.

SPECIAL BUSINESS MEETING, MARCH 26, 1858.

At 8 o'clock the meeting was called to order by the Clerk, and, the Pastor being absent, on motion, Mr. WILLIAM C. GILMAN was elected Moderator.

The Chairman presented the applications of J. WALTER CAMP and Mrs. LAURA CAMP for letters of dismissal, &c.

Mr. SIBREE having by consent withdrawn his resolution offered at the last meeting, Mr. CHARLES ABERNETHY offered the following preamble and resolution :--(See Appendix B of Appellants' Statement—*supra*.)

Dr. A. H. HART moved to strike out all Mr. Abernethy's resolution and substitute the following :

Resolved, That a Committee of five be appointed, of whom the Pastor shall be one, to report upon the laws of Christ on the subject of discipline ; and also upon the real nature and character, in the light of those laws, of the offences with which certain disaffected members stand charged in a document recently published to the world by this Church, and also upon the action which this Church should take in relation to said offences.

Resolution seconded.

Dr. HART advocated the passing of the resolution offered by himself, but subsequently withdrew the resolution.

Mr. HALSTEAD and Mr. PHELPS withdrew their objections (made at the last meeting) to granting of letters.

Mr. EDGAR moved that Mr. ABERNETHY's resolution be amended by adding words instructing the Clerk to write the letters of dismissal on the same paper with the preamble and resolution, so that they shall form but one document.

Seconded.

The question being put on the amendment, it was lost.

The question being put on the adoption of the preamble and resolution offered by Mr. Abernethy, it was adopted.

After prayer by Dr. BALL, the meeting was adjourned.

FREDERICK W. KING, *Clerk*.

REGULAR BUSINESS MEETING, MAY 7, 1858.

Dr. A. S. BALL was called to the Chair, and Bro. THEODORE D. WARREN appointed Clerk *pro tem*.

Bro. FAIRBANKS offered the following preamble and resolution :

Whereas, MESSRS. WOOD, KINGSLEY, JOHNSON, HAVENS and others were recently dismissed from the Church at their own request, therefore,

Resolved, That this dismissal was the final act of the Church with respect to those brethren, and that the Clerk be and is hereby ordered to erase their names from the books.

Bro. E. W. CHESTER moved that the resolution and the entire subject be referred to a Committee of three, whose duty it should be to inquire into, and report to the Church the facts relating thereto, and to recommend such a course of action as in their judgment would be proper to be pursued.

After some discussion of the motion, Bro. GILMAN moved an adjournment, which motion was lost.

The motion made by Bro. CHESTER was adopted, and Bros. E. W. CHESTER, CHARLES ABERNETHY and DEXTER FAIRBANKS were appointed such Committee. On motion, adjourned.

FREDERICK W. KING, *Clerk*.

JUNE, 15TH, 1858.

A special business meeting was held in the lecture-room, at half-past 8 o'clock, pursuant to a call signed by ten members of the church, and read from the pulpit the preceding Sabbath.

The meeting was called to order by the Clerk, and on motion of Bro. E. W. CHESTER, Bro. JAMES O. BENNETT was appointed Chairman.

It having been suggested that Reporters were present, by a vote of the church, they were requested to withdraw.

Bro. E. W. CHESTER stated the business of the meeting to be the hearing of the report of a Special Committee appointed pursuant to a resolution offered by Bro. FAIRBANKS, at the meeting held May 7th, 1858, and, as chairman of that Committee, proceeded to read the Report as follows :

(The papers accompanying the Report will be found subjoined to the minutes of this meeting.

B. K. PHELPS, *Clerk*.)

On motion, the report of the Committee was accepted.

Bro. PHELPS offered the following resolution as an amendment to the report of the Committee, (having first moved the adoption of the Report, which was seconded,) striking out all after the clause commencing " your Committee recommend that letters" to the close of said Report, except the sentence " your Committee recommend the adoption of the following resolution, to wit:" and substitute therefor the following :

Resolved, that the action of the said brethren in not presenting the letters already granted to them to the several churches with which they proposed uniting, and in returning the same to the church, justifies this church in declaring the concluding clause of those letters rendered null and void, by their own act, and their peculiar connection with this church terminated.

Resolved, That the Clerk of the church be instructed to inform those brethren that their letters are in his hands, subject to their orders, and to erase their names from the list of members of this church.

The amendment was seconded.

Bro. HART offered as an amendment to the amendment, the following :

Whereas, O. E. Wood, E. M. Kingsley, J. K. Johnson, Henry A. Hurlbut, Jared Linsly, R. N. Havens, Albert Chesebro, L. N. Cowley, Richard Brown, A. T. Dwight, F. E. Mather, Edward J. Owen, William Way, Stephen Paul, J. Conover, Jr., S. Churchill, E. M. Morgan, W. S. Thomson, Elisha Peck, William B. Isham, E. C. Wilcox, and J. W. Camp, have applied for letters of dismission from this church ; and

* Subsequently the Council called for the reading of the titles of these papers, and Mr. PHELPS read them as follows :

First. The document accompanying the application for letters.

Second. The document signed E. M. Kingsley, Chairman, accompanying the first return of the letters.

Third. The letter accompanying the second return of the letters.—[REPORTER.]

For the Report of the Committee, see Appendix C. of the Statement of the Appellants—*supra*.

Whereas, Certain if not all of these brethren have conspired, as we believe, to deprive this church of the eminently acceptable and successful minister, the Rev. Dr. CHEEVER ; and

Whereas, By their secret and dishonest efforts to destroy the affection and confidence existing between Pastor and people, have endeavored to sow in this congregation the evil seeds of strife, disunion and alienation ; and

Whereas, During a momentous period of our country's history, and when the Pastor of this church, in the rightful performance of his work had directed universal attention, and incurred great opposition and reproach, by his denunciation, from the word of God, of the unequalled iniquity of human slavery, and his faithful warnings to the nation of its dangers on account of it, these same parties, moved chiefly, as we believe, by dissatisfaction with his views and course on this subject, cruelly took advantage of the circumstances to send him a private letter, calling upon him to resign ; and

Whereas, They strove to instigate this resignation by an artful array of the wealth, influence, and reputed piety of those who are discontented ; and

Whereas, They should have sustained him in preaching the whole word of God, they declared him in error, charging that he intruded on their ears themes of a national, political, and exciting nature ; and

Whereas, These same parties having failed, in July, 1857, to induce the church to entertain charges against the Pastor in his absence, immediately published and circulated widely a pamphlet containing gross misrepresentations and calumnies against Dr. Cheever and the church, all of which are set forth in their true light, and stamped with its disapprobation in the published reply of the church ; and

Whereas, Said parties, one and all, accompanied their request for dismission with a written reiteration of all the disproved slanders and calumnies which any of them had previously uttered and published against the Pastor of this church ; and

Whereas, Under these circumstances, with all the facts of their unfaithfulness, untruthfulness, and manifold offences against the Pastor and purity of this church, staring us in the face, we could not, without due repentance and confession on their part, continue to extend to them our Christian fellowship ; and

Whereas, It would be a gross violation of honor, and a betrayal of the confidence which should ever exist between different sections of the church, to give a passport or lend our aid in any measure for the purpose of securing admission to other churches to men whom we deem unworthy of continuance in our own ; and

Whereas, The laws of discipline laid down in God's word are imperative, and may not, without sin, be evaded or set aside ; and

Whereas, Said laws do expressly enjoin " Warn them that are unruly," " Withdraw yourself from every brother who walketh disorderly," therefore,

Resolved, That we do now solemnly withdraw our Christian fellowship from O. E. Wood, E. M. Kingsley, J. K. Johnson, R. N. Havens, E. C. Wilcox, Henry A. Hurlbut, Jared Linsly, M. D., Albert Chesebro, L. N. Cowley, Richard Brown, A. T. Dwight, F. E. Mather, Edward J. Owen, William Way, Stephen Paul, S. Conover, Jr., S. Churchill, E. M. Morgan, W. S. Thomson, Elisha Peck, William B. Isham, and J. W. Camp, and that the Clerk be instructed to erase their names from the books of the church.

Which amendment was also seconded.

On motion of Bro. ABERNETHY, Bro. HART's *amendment was laid on the table without debate.**

On motion of Bro. SMITH, Bro. PHELPS' amendment, after some discussion, was also laid on the table.

The question recurring upon the adoption of the Report, it was considered separate from the resolutions accompanying the same, and unanimously adopted.

On motion of Bro. ABEL, the first resolution recommended by the Committee was adopted. The second was then adopted, and the third also.

The meeting then adjourned.

DR. PORTER—I would ask the clerk if this report, having been adopted, was recorded on the pages of the minutes?

MR. PHELPS—The Committee accompanied this report with the documents submitted by the appellants here, and this report and the papers accompanying it are in the records of the church. I believe that is all that appears on the minutes. Among the church records are two protests against the final action of the church as adopted—one presented by the minority of the church, another by the Pastor.

DR. THOMPSON—What was finally adopted, then, as I understand it, was this Appendix C, being the Report of Messrs. Chester, Abernethy and Fairbanks, with resolutions attached.

DR. BUDDINGTON—If I understand it, then, the church was not responsible except for the last resolutions.

MR. PHELPS—The church are not responsible for any but the last introduced resolutions—those finally adopted.

DR. BUDDINGTON—I supposed this which the clerk has read was a record of the church's doings, but I find that the church had not become responsible for it in the end. I submit whether we are not liable to be misguided by this reading.

MODERATOR—The effect of this will be considered when the Council deliberates by itself as to the proper influence of these proceedings. It was impossible for the Moderator to know what was done in respect to these resolutions before the church, until the clerk came

* *Note by the Committee of the Appellants.*—It is thus shown that these private opinions of Dr. Hart remain a part of the records of the Church, although laid upon the table; whilst the Protest of the seceding brethren was not even laid before the Church.



to the final statement. I would now ask once more, Have the committee finished their statements?

MR. PHELPS—Is it the wish of the Council to hear the protest? The committee do not wish to do anything more than to give such information to the Council as they require. They do not wish to intrude anything. I mean the protest from certain members of the church, and the protest from the Pastor.

DR. THOMPSON—I wish for a single moment to fix attention to a fact brought out by this reading, to wit: That at the time that this letter, of which these brethren complain, was granted, there was a wide diversity of sentiment in the church itself, and a spirit of censure tolerably rampant in some minds against these brethren. The church voted all that spirit down and laid it on the table; it would not adopt any of those expressions of crimination or censure, and finally granted a letter; and, after having repudiated all those forms of censure, finally granted this letter in the spirit of compromise, but not in the spirit of reproach to the brethren wanting a letter. That is the answer, I think, which the reading of this record gives to the question I proposed—a question somewhat vital to the question before the Council.

MODERATOR—I would suggest that comments of this description would be more properly admitted when the Council are by themselves. We are now merely receiving statements from the parties.

DR. PORTER—I wish to call the attention of DR. BUDDINGTON, who was not present, to one fact which has been omitted in the reading, but which will be found in the printed document, namely, that the report (on page 13, Appendix C) was adopted. And I would also, in this connection, observe, that brother THOMPSON, in calling the attention of the Council to what he calls a fact, has entered into an argument in respect to the merit of the case. He has called the attention of the Council to the case, that there was “a spirit of censure tolerably rampant.” Now I would call the attention of the Council to the fact that this “tolerable” spirit of censure, after being toned down into Christian rampancy—

DR. THOMPSON—I did not Christianize it.

DR. PORTER—At all events, that it was rebuked, and that the issue was the compromise which appears on pages 13, 14, and 15,

(Appendix C) which, we shall show, is rather *intolerable*. And this I simply offer as an argument to meet the argument which has been presented.

MODERATOR—It is not in order for members to comment upon the matters before the Council at this time. Proper time will be given. If no further statements are to be presented or no more questions to be asked, Dr. PORTER will proceed with his reply.

Mr. CHAPMAN—It is stated that in the case of Mr. HATCH a different form of letter was used, and I understand there is to be some reply to that. I got the impression from the statement of Mr. GILMAN, that this form had been varied from in other cases. I would like to know whether the case of Mr. HATCH is the only case in which the usual form was departed from?

Mr. GILMAN—I was misunderstood. I do not know that it was varied from or not. I never saw a printed form until this controversy arose.

Mr. CHAPMAN—I understood that the printed form was used for the women and not for the men. And although the committee differ in their statements of motives, perhaps I understand rightly, that it was intended by the church not to certify that the men were in “good standing,” and not to “affectionately recommend” them. I understand that it was intentional on their part to make that omission.

Mr. McCALL—The impression I got from the reading of the clerk was, that the requests for letters from the ladies were separate from those of the gentlemen. I wish to know how that was? I would ask the clerk if he has them?

Mr. PHELPS—I have the original letters, applying for dismissal certificates. Those gentlemen who had families applied with their families in what I supposed to be the customary form—“That (A. B.) and (C. D.) his wife, and (E. F.) his daughter, apply for dismissal and recommendation to —— (such church as they wish).”

Dr. PORTER—That each gentleman applied for himself, and where he had ladies, applied for them in the same letter in the usual form?

Dr. BACON—I would like to be informed, sometime in the course of the proceedings, whether the persons making these applications had withdrawn in effect from this church—from communion with it,

from its ordinances, from its worship—and had connected themselves in effect with other congregations before making these applications—and if so, how long? It will do any time when it is convenient.

MODERATOR—Are the committee prepared to answer such questions?

MR. GILMAN—I would be very glad if the gentlemen who made the application would answer that question. They know better than we do. We were not at other churches. We have no means of knowing, except from common report, and we cannot answer from common report.

DR. PORTER—It does not appear that any action of the church was based upon that. We have no objection to state the facts, however.

MODERATOR—If the Council wish to put that question hereafter, full time and opportunity will come. It would seem by the suggestion of the committee of the church, that the question must be addressed to others than themselves. Unless an immediate answer is requested, Dr. Porter will proceed to address the Council.

MR. FAIRBANKS—*This* committee is ready to answer.

DR. PORTER—*We* have no objection to answer. It is a proper question enough to come up.

MR. ABBOTT—I would ask in regard to the issue of those two classes of letters, which were in different forms respectively. Were they issued at the same time, together, or separately?

MR. PHELPS—They were not issued at the same time, I think. I was not clerk at the time. But objection was made to granting the letters to the male members, and whether the letters bear date at the same time or not, I do not know; but no objection being made to the applications of the females, it was the duty of the clerk to make out the letters without any direction from the church.

MR. WOOD—I would state that the twenty-six letters to the ladies were enclosed in one envelope, and the twenty-two for the gentlemen in another, and were received by us at the same time.

MR. PHELPS—I was not clerk at that time.

MR. WOOD—The letter of Mr. KING, on page 12 of the pamphlet, (commencement of Appendix B.,) explains that matter. I will read it:

NEW YORK, April 8, 1858.

E. M. KINGSLEY, Esq: DEAR SIR: On the 26th of February last I received through you "written requests from sundry members of the Church of the Puritans for letters of dismission from that church and of recommendation to other churches."

The requests of the members were duly presented to the church, and objections having been made to the granting of letters to the brethren applying for them, an adjourned meeting was held, at which a preamble and resolution were adopted, a copy of which is herewith furnished to you.

No objections having been made to the granting of letters to the female members who have applied for them, such letters are herewith sent to you.

To the male members I have issued letters in the form prescribed by the resolution above mentioned, which also I send to you in accordance with the request in your note of February 26, 1858.

The copy of the preamble and resolution is sent to you for the information of all the brethren, from several of whom I received the assurance that one copy would suffice for all.

Yours respectfully,

FREDERICK W. KING,
Clerk of Church of Puritans.

MODERATOR—That would seem fully to answer the question.

Dr. STORRS—I observed that last evening Mr. GILMAN, in his remarks, referred once or twice to the fact that applications for dismission on the part of the *gentlemen* did not come under the operation of the Rule, because objection was made to granting their requests. Now, the rule may be susceptible, perhaps, of two interpretations, and the question I wish to ask is, whether the interpretation which he seemed by implication to put upon it, is customary in that church? The rule says that "Requests for such letters may be announced by the person presiding at the weekly prayer meeting or lecture, and if, at the end of one week, no objection has been made to the Pastor, he or the clerk shall issue the customary certificate." I should suppose, on reading the rule, that the import of that was this: that universal acquiescence was deemed equivalent to a unanimous vote by the Church; but if objection is made, the question is, what is to be done then? Is it the interpretation of the Church in regard to this rule, that if objection is made, the customary letter may be issued by a positive vote of the church, or that the *customary* letter *cannot be* issued, but a different form of letter must be taken?

Dr. PORTER—I think brother Warren answered that question. He said he was not aware of any other deviation from the customary form, except the cases of the appellants and Mr. HATCH.

Dr. STORRS—Then, as I understand it, it is agreed on all sides that the cases which are brought before us are within the ordinary interpretation of this rule of the Church of the Puritans. That is, if no objection is made, the letter issues as a matter of course; but if objection is made, then it issues by a distinct vote of the church. I would like to ask a question with regard to this customary certificate. If I understood, it was stated last evening that no form of certificate had ever been adopted by the church, so far as the records show?

MODERATOR—It was so stated this morning by Deacon GILMAN.

Dr. STORRS—I want to ask, then, if it is within the cognizance of any one present who was connected with the church while forming these rules, and who saw the record, whether “customary” certificate means what it would seem to mean, namely, a certificate in the customary and the usual form, and whether they had in mind, in adopting this rule, and have had since in acting upon it, the certificate which is used by the Presbyterian churches of this vicinity, and which is uniform in its terms, and which has been, I believe, exactly adopted by them. They may have used these words “customary certificate” to describe a certificate which was not adopted in the church record, simply because it was universally known.

MODERATOR—That was denied by Mr. GILMAN. He said the term was used by a general reference.

Dr. STORRS—I have no doubt, sir, that in Congregational churches the forms do vary, because we have no printed form; but it must be recollected that we are surrounded by Presbyterian churches in which there is a customary certificate, and that the brethren who formed the Church of the Puritans had almost entirely come out of Presbyterian churches, where they were accustomed to it. Now, the question in my mind is, whether that was what they refer to, or whether they merely mean to say *a* certificate?

MODERATOR—Mr. GILMAN, if desired, can repeat his statement.

Dr. PORTER—If the Council desire, I can bring in the fact on this point.

Dr. PORTER was then requested to proceed to address the Council on behalf of the appellants.

Dr. PORTER—Before I do this, I would like to ask for some information from the clerk. He will observe, on page 5 of this

printed document, the protest which was presented by some of the appellants after the final action of the Church, and addressed to himself. I would like to ask the clerk what became of that protest? We have a certificate which informs us that it was not communicated to the church.

Mr. PHELPS—That protest is on file among the papers of the church.

Dr. PORTER—Did it ever reach the church?

Mr. PHELPS—It was never laid before the church at any meeting, that I am aware of.

Dr. PORTER—Why was it that it did not reach the church?

Mr. PHELPS—It was not considered necessary that it should be laid before the church.

Dr. PORTER—By whom?

Mr. PHELPS—By myself, and by other members of the church with whom I consulted with regard to it.

Dr. PORTER—A Committee, or the Prudential Committee?

Mr. PHELPS—I am not positive. I think, however, it was the Prudential Committee.

Dr. PORTER—What was the reason why a respectful communication from the brethren who had recently been in communion with the church should not be considered?

Mr. PHELPS—What I supposed to be the reason was, that the church had had numerous and repeated communications from these gentlemen; they had considered them all with deliberation, and, as they supposed, candor, and they had taken their final action with regard to the matter. Having so done, the protest would naturally go among the files of the church. It was not considered that any action was needed on the part of the church.

Dr. PORTER—Then I understand that the clerk, by the advice of some person, put it on file?

Mr. PHELPS—The clerk put it on file, conceiving it to be his duty.

Dr. PORTER—The clerk took advice?

Mr. PHELPS—Yes, the clerk took advice.

Dr. PORTER—Of whom?

Mr. PHELPS—I cannot now state the individuals. It was of several members of the church. I am not aware that there has been anything to try the church for, in this manner; and if the clerk

is about to be submitted to an inquisition, I would like to have an opportunity to defend myself. He does not say that he is subject to trial.

Dr. PORTER—The very object of these questions is to put the clerk off trial. We wish to have the responsibility put upon the parties to whom it belongs.

Mr. PHELPS—I am not aware that a responsibility rests upon the church or anybody else in this case.

Dr. PORTER—A part of the papers before the Council is a protest, which is one of the last communications made by these brethren to the church. It seems, however, that after the final action of the church, this protest went on file, without being ordered on file. It seems that the church afterwards received communications from these gentlemen. They were not, at a later period, so totally unknown—individuals not recognized—but that afterwards another communication found its way to the church.

MODERATOR—It is better that all this should be deferred to the proper time.

Dr. PORTER—I merely wished to explain the object of my asking the question. Now, I submit whether it is not perfectly proper for the appellants to ask, how happened it that the protest did not reach the church?

Dr. BACON—I do not know that we have any occasion to go beyond the fact that it did not reach the church; beyond that I do not think we should go.

Dr. PORTER—I submit whether this somewhat pertinacious and persistent course of inquiry, as it, I think, was termed, was not proper under the circumstances, because we desired to ascertain whether the Prudential Committee of the church or the Pastor of the church had advised in respect to this disposition.

MODERATOR—I am not aware that any objection is made by any person, except the clerk, and he must not consider that he is on trial.

Dr. BACON—I do not think we have anything to do with the Prudential Committee, and the less inquiry that is made the better.

Dr. PORTER—I will now introduce testimony which bears upon the point which has been started more than once, and last by Dr. STORRS, in respect to the meaning of the term "*customary certificate*" as interpreted by the history of this form. Deacon Wood

has been a member of the Committee from the outset, and he can state how the form was fixed upon.

Mr. Wood—I would state, that at the organization of this Church, the subject of the Rules was committed to a Committee of which I was chairman, and it devolved upon them to decide in what way the members should be dismissed regularly from the Church. The Prudential Committee held a meeting, and adopted this form of letter, which I hold in my hands; and they issued instructions to the clerk to see that copies were printed. Those copies were in use for the eleven years I was there, and in no instance, to my knowledge, has there ever been a deviation from it;—in no instance, that I am aware of, has the Pastor or the clerk ever written a letter but that which is in this printed document (page 2); and if any was written, it was written, or intended to be, from the language of the printed form. It was recognized as the customary certificate. It was for the purpose of having a regular letter to which we could at all times refer in the absence of the Pastor. Now, sir, as regards the other letter, alluded to by Mr. Gilman and others, I would state, that about two years or a year and a half ago, the Rev. J. L. Hatch, well known to this community by name, applied to the Church for a letter of dismission and recommendation to the Rev. Mr. Beecher's Church, in Brooklyn. As there were in my judgment valid objections to his having regular letters, I told Dr. Cheever that I should object, and I gave him my reasons, and asked Mr. Hatch to call at my office. Mr. Hatch called, and he said he would like to know the reasons why I objected. I endeavored to convince him that he had done wrong in advocating the establishment of Sunday railroads in Brooklyn, and in his course in other matters, and told him that, as an honest and Christian man, I could not consent to give him letters to Mr. Beecher's Church without that matter was in some way arranged. Said I, "Mr. Hatch, if you will take the customary letter, with an endorsement on the back such as I will write, I will waive my objections." He said, "I will." I wrote the form of the endorsement, and handed it to Mr. Hatch for Dr. Cheever; and he said it was satisfactory, and that he would take it. He said, "I know they will receive me in that Church." He agreed to receive such a letter, which was the customary letter, but on the back certified according to what his conduct had been. The result was that he came and said, "I cannot be received on this letter." "Very

well," said I, "I hardly supposed you would, but you took it." Prior to his receiving the letter, the clerk came to me one morning to make out some letters. He said, "Is this all right?" "No," said I, "there is one letter there for Mr. HATCH which should not be issued without a certain endorsement." "But," said he, "Dr. Cheever has put it down without any objection." DR. CHEEVER gave his (Mr. Hatch's) name, with others, to have letters made out in the usual form; but the clerk, having known something of these transactions, came to me, as was his duty, and said, "Is this right?" "No," said I; "Has not Dr. Cheever sent you a communication to go on the back of the letter?" He said not. Mr. Beecher would have had Mr. HATCH in his Church, had it not been that the clerk had known of the circumstances. I say this not against DR. CHEEVER—for it was probably forgetfulness on his part; but I deemed it my duty to state that fact. So, instead of having the customary letter, without written additions or explanations, he had it with an endorsement on the back, which was satisfactory to him.

DR. STORRS—I would like to be informed whether that was written by Mr. Wood as a member of the committee, or as a private member of the Church?

MR. WOOD—I gave him this note to Dr. Cheever, and signed it individually as a member of the Church, not as a member of the Prudential Committee.

DR. STORRS—There was nothing official about it?

MR. WOOD—No, sir. There was no action of the Prudential Committee; this was a notice by a private member.

MODERATOR—It will not be in order to contradict or modify the evidence that is brought forward, at the present time, by these five brethren. If it should be deemed necessary afterwards, the Council will allow it.

DR. PORTER—We have no objection that questions be asked.

MODERATOR (to the Clerk)—You can make a brief statement if you please, sir.

MR. PHELPS—I am informed by Mr. HATCH, who is present, that the letter given to him was not in the usual form; that it did not contain the "affectionate" recommendation; and he states, that he was not refused by Rev. Mr. Beecher's Church upon the ground of an informality in the letter, it was refused on other grounds.

DR. BACON—I think we should not hear any testimony on that letter until we have the document itself.

MODERATOR—Dr. Porter will proceed.

Dr. PORTER then proceeded to address the Council as follows :—
Mr. Moderator: It was only within three or four days that I have known that I should be connected with this case. When application was first made to me to appear in behalf of the appellants, I declined entirely, on account of my engagements at home and of ill-health, and pleading also my reluctance as to having anything to do with this controversy. But I was induced at last to decide to undertake this duty by the same considerations which induced the brethren of the Council to convene—the importance of the principles involved in the case, especially in their bearing upon Congregationalism in this city. I will not enlarge upon the circumstances which make it unpleasant for me to be here, and for you to decide upon these questions. These I considered it my duty to disregard, in view of the importance of the questions, and their relation to the interests of our denomination. I do not propose to occupy the time of the Council very long; but to present a few considerations which seem to me to bear upon the question as it is presented by the evidence before you.

The questions to be decided, you will find on the sixth page of the printed statement. They were submitted on the original application made by the appellants, to the Church of the Puritans. They are:

1st. Are, or are not the applicants, by the terms of our Church Manual, and in accordance with the practice of sister churches, entitled to the full and "customary" letters; and such as have been used since the foundation of the Church?

2d. Is it, or is it not, a violation of the rules of the Church, of the rights of Christian brethren, and contrary to the usage of our Churches, summarily to cut us off from its "watch and care," and the privilege of membership, with objectionable letters, and without specified charges (if any) and formal trial, as is done by the resolution above referred to?

And these two points are expanded, on pages 7 and 8, into several more particular inquiries, which I need not read at this time.

It was stated yesterday, that the questions on which the Council are called to decide, were theoretical simply. It is true they are, in one aspect of the subject, but not entirely. We are not confined to the abstract inquiry, whether a case may ever arise in which a Church is justified in deviating from its customary form of dismissal; but it is also a question for the Council to decide, whether, so far as

the Council are informed in respect to the circumstances of the present case, this Church were justified in deviating from the customary form in relation to the appellants. In making this second issue, we do not go into the merits of this acrimonious and unpleasant controversy, but we do call the attention of the Council to a question which is made by the documents presented in the records of the Church, and the information growing out of them,—whether those circumstances justify the deviation which has in fact been made. I make this remark at the beginning, in order that this issue may be distinctly before the Council. We will take this first question :

Are, or are not the applicants, by the terms of the Church Manual, and in accordance with the practice of sister Churches, entitled to the full and “customary letters,” and such as have been used since the foundation of the Church.

It appears in evidence that I think will not be denied, that the Church adopted certain Standing Rules, which appear in their Manual, and some of them in this printed statement. It will appear also that these Rules recognize the existence of a certain form, which is called the “customary form.”

DR. BACON—The word *form* did not appear.

DR. PORTER—“Customary *certificate*” is the word ; I suppose the import of it is *customary form*. I refer to their ninth Standing Rule, which is on the first page, as follows :

Rule 9th. Members, on removing, shall ask for letters of dismissal and recommendation. Requests for such letters may be announced by the person presiding at the weekly prayer-meeting or lecture, and if, at the end of one week, no objection has been made to the Pastor, he, or the Clerk, shall issue the customary certificate, which shall purport to be valid for one year only from the date thereof ; and letters shall not be granted to persons who have delayed applying for them for more than one year after their removal from us, unless by a vote of the Church, after satisfactory reasons shall be assigned for such delay.

Of course, this rule implies that there was a customary certificate ; I think no doubt will be made in respect to that fact. Deacon Wood testified that he had been a member of the Prudential Committee at the organization of the Church, and that at the first, a form of certificate was adopted ; and we also have the customary certificate on a printed sheet. It was not adopted to guide the Clerk, in copying in each individual case, but it was printed in a form to put

into the hands of the Clerk. This was the customary certificate recognized by these Standing Rules. Concerning this important matter of fact, I think nothing more need be said. 'So far as we know, so far as the Committee know, there has never been, in any case, a deviation from this customary certificate, except in the cases alluded to. Now it appears, that under very exciting circumstances a deviation has been made; and the first question presented is, whether the applicants are or are not, "by our Church Manual, and in accordance with the practice of sister churches, entitled to the full and 'customary' letters; and such as have been used since the foundation of the Church?" How shall the question be answered? Were they, or were they not? If they were not, there were reasons why they were not entitled to them. What are those reasons? Those reasons, so far as the Council are informed, are presented in two specific ways; first, in the document which we place before the Council, (Appendix A and C); secondly, in the statement or representation which has been offered by the Committee of the Church. The question then comes for you to decide, whether these reasons, represented in this document, and as explained by the Clerk and members of the Committee, are sufficient to justify the Church in deviating from the customary certificate. One of the Committee has told us that he was not aware that the Church had any customary certificate; that is, he was not aware that they had a customary certificate, in so far that it was not perfectly competent for the Church to deviate from it in special cases. Another member of the Committee has told us that they *designed* to deviate, in this case, because they could not conscientiously grant the customary certificates. He says the words "*good*" and "*affectionately recommended*" were omitted by design, because these members were guilty of conduct by which they had forfeited their claims, in the judgment of the Church, to the epithet "*good*," and the phrase "*affectionately recommended*." The Clerk of the Church, in the six reasons which he presented, has undertaken to show that the circumstances were extraordinary, and that in these extraordinary circumstances the Church were justified in the course which they adopted.

These six considerations I will notice briefly. In the first place, he calls our attention to the fact that, when the application was made, the circumstances were peculiar—that an objection was made

to granting the usual letters, and therefore this objection took the case out of the operation of the Standing Rule. I think not. And for this reason, that the application of the Standing Rule, so far as I can interpret it, would require simply, that when the objection had been made and considered, and the church have concluded that they will give letters notwithstanding the objection, then the Standing Rule requires that the customary certificate shall issue. The operation of the rule requires not only that a letter be given, but prescribes the way in which it shall be given, requiring when this objection has been raised, or when the church have decided to grant a letter in spite of it, that the customary certificate should be given. But to put the matter in another form : An objection is offered for the purpose of raising the inquiry, Whether the church consider the brethren worthy of a letter. If they do not, then they will go into a course of discipline. If after considering the objection they decide that discipline is not required, then the customary certificate must be issued. So far as we can interpret the rule, this seems to be the fair development of its meaning. I think the council will agree with me in this interpretation. We do not deny that the case was in some sense peculiar. We do not deny that when objections were raised, the question properly came before the church. But we contend that when the church have decided that they will grant any letter, then the Standing Rule requires that they shall grant the customary certificate. But the clerk insists that, objection being made, a new case was created, for which the Rules make no provision. Precisely the opposite. The Rules, anticipating that objections might be raised, have anticipated that, when the objections should be overcome and the church should decide to grant a certificate at all, then it becomes the duty of the church to issue the customary certificate. These Rules provide for just such cases. It is to be decided by the majority, who are to act according to the rule, according to the charter, according to the principles expressed in that rule, not according to the impression or excitement of the moment. The Rules were designed to provide against such excitement. They were designed to secure to applicants against whom objections might arise, the privilege and right of trial ; and if that privilege and that right were denied, to place them where they were originally—on the ground of approval—in a condition to claim the customary certificate as a right.

But he tells us that the course adopted was regarded as a compromise ; that many of the members thought that these brethren should be disciplined ; and as appears from the records of the church, from other statements incidentally made, and also from the publications before the community, these members (i. e., of the majority,) were in a state of excitement ; many of them believed and contended, that, in view of the facts well known to the community, and the conduct of these brethren in writing the first letter to Dr. Cheever, and in vindicating themselves in a pamphlet, they ought to be cut off summarily from the church. Others who were wiser, and more considerate, saw that this course would be violent and unjust. Many of them, as we will presume, thought that they had acted unwisely, but that they deserved the confidence of the church, and they proposed to dismiss them in the usual form. Thus an active excitement had arisen, growing out of this difference of opinion in the church. We certainly know that, as a compromise, the church adopted the course of which we have had a full history. Now the clerk in his communication says, that the objections not being removed,—that is to say, that these excited brethren not being satisfied, therefore a new case was made. This view is somewhat specious, and I would therefore call the attention of the council to the proper interpretation of the rule. The rule does not suppose it necessary that the objection to every individual should be removed, meaning thereby that every individual member of the Church of the Puritans should be satisfied ; but what it intends by the “removal of the objection” is, that the majority shall, in the old Puritan way, decide that there is no ground of discipline. Did not that majority, in the midst of all their excitement, so decide, by the act of issuing letters at all ? Did not that majority, notwithstanding the excited elements in their body, in giving letters, which they have uniformly insisted are valid, decide that they would not discipline these members ? Was not this all that is required in the Rules ? The case is not therefore new in the manner that is contended. It is not new so far as to withdraw it out of the operation of the rule. The church has contended again, as the third point, that the tenth Standing Rule (on page 2), which refers to private offences, justified their action. This point I do not think I will enter upon now, as it will come up again in another place.

The church contends again, in defence of the excising resolution, on the fourth page of the pamphlet, which is as follows :

Resolved, That the clerk send to the applicants certificates in the form following, to wit:

This certifies that ——— is a member of the Church of the Puritans in regular standing, and, as such, at his own request, is dismissed with the view of uniting with the ——— Church, or such other as he shall apply to for that purpose.

Resolved, That (A, B, and C, parties named in the first resolution,) having applied for dismission from this church, and having been dismissed at their own request, are deemed no longer members of the same, or in any way subject to its watch and care.

that the rules furnished no precedent for the case presented to the church, in that the applicants “seemed to conspire and combine together,” &c., and in that they accompanied their request with an improper communication, viz., the document, Appendix A.; that therefore the church were justified in passing the excinding resolution. Upon this claim, I will comment hereafter.

The clerk claims, fifth, on behalf of the church, that the letters were “good and sufficient.” Good and sufficient, for what? Why, good and sufficient for the purpose for which they were given. I have no doubt that they were good and sufficient for the purpose of censure. They were good and sufficient to express indirectly that which this church had no right to express under the circumstances. But were “they good and sufficient to secure to them, under the circumstances, admission to other churches?” Perhaps they might have been. But is that all for which they were asked? Was that all which these brethren had a right to claim? But “they were good and sufficient to secure them entrance into this or that Presbyterian church, or this or that Congregational Church, because the facts were before the community?” Undoubtedly they were. But something even higher is to be considered; were they good and sufficient as a just expression of that sacred regard for Christian right and duty which the Church of the Puritans were bound to make? Were they good and sufficient to set this church before the community as able and willing to vindicate the rights of a minority of their Christian brethren?

The sixth point the clerk presents, is an explanation of the action of the church in declining the proposition for Mutual Council. This is a distinct point which is made in our sixth head, on the 8th page, as follows:

6. That in declining to unite with your appellants in the submission of their claims to a mutual council, the church has evinced a culpable disregard of the protection and vindication wisely reserved for aggrieved minorities and individuals by the *second* Standing Rule.

The clerk has contended that the simple question before the

church was, to decide whether they were competent to do their own business,—whether, as an independent church, surrounded by particular circumstances, under particular excitement, they were not competent to decide what their duty was? He has insisted that the circumstances were novel, and that the council, to decide whether they were wise or not, must go into the whole case. I must say that in all kinds of church difficulties, the majority always contend that the circumstances are extraordinary, and call for extraordinary proceedings. This is the very reason why, under these circumstances, a council is required. This is the reason why a provision for a council is made. It is to meet this very attitude in which a church is likely to present itself under such circumstances. The church says, that in order to decide upon their course, the council must go into the whole history of the affair. To be sure they must. And this is the very ground of the complaint—that the church have not been willing to submit the whole, *from the first*, to a Mutual Council; not as against the church for refusing to acknowledge and to submit to the action of this body as a Mutual Council, for this *ex parte* council has expressed a desire to avoid the whole case *ab initio*; but against the church for not being willing long ago to submit the very novel and extraordinary circumstances which have excited this church, to the decision and advice of their brethren; because they were so confident that they were in the right; because they were so wise in their own eyes, because they were so sure that there could be no difference of opinion on the subject.

Why, then, not call a council to justify their course? Why, if their case was so just, why were they not, at the first, willing to come in and unite with these brethren in a Mutual Council? Why? Because we have been told, from two or three sources, that they are a Congregational Church. Being a Congregational Church, they, of course, are naturally expected to follow the usages of the Congregational Churches; and the usage has been from the first, as provided by the rules and illustrated in the practice of these churches, that when any application shall be made for a Mutual Council, it is wise to grant it,—especially when the circumstances are novel; especially when the excitement is great; especially when the majority think that they have a good case. As Dr. BACON has said in his Manual, “if the church believes its own decision to be right, and at the same time finds that the person censured is bound to

justify himself, and is likely to give an impression favorable to himself and unfavorable to the others, what can they desire more than to have the case put before the whole church, and silence the voice of protestation and complaint?"

I will call the attention of the Council now to the second point, namely :

Is it or is it not a violation of the rules of the Church, of the rights of Christian brethren, and contrary to the usage of our Churches, summarily to cut us off from its "watch and care" and the privileges of membership, with objectionable letters, and without specified charges (if any) and formal trial, as is done by the resolution above referred to?

The resolution referred to at the bottom of the 4th page I have read before. Now, "Is it or is it not a violation of the rules of the Church, of the rights of Christian brethren, and contrary to the usages of our Churches, summarily to cut us off from its 'watch and care' and the privileges of membership, with objectionable letters, and without specified charges (if any) and formal trial, as is done by the resolution above referred to?" This I consider the main question. It is a simple question of principle, which makes this matter of importance to any one. It is a question of principle concerning the rights of minorities, under circumstances of great excitement, when extraordinary differences of opinion exist; when, in the judgment of the majority, the minority are greatly in the wrong—whether under those circumstances the minority have rights which can be defended, and which must be insisted on by them and those to whom they appeal. This is the question. The facts are notorious, that in April, 1857, a letter was addressed to the Pastor of this Church by a number of the appellants. The fact is also notorious, that the Pastor laid this letter before the Church, and that the Church rallied for his support. The fact also is notorious, that in the month of June an alteration was made in the Standing Rules of the Church, by which a new election for deacons ensued, and other deacons were chosen, superseding those who had held the office from the first. It is notorious that the action of the Church altering the Standing Rules, and the report of the Committee advising this alteration, were published and sent through the post-office to all the clergymen in New England, and that this action of the Church also appeared in the newspapers. These facts will not be disputed—the documents are here. It is also notorious, that after the publication of this action of the Church, a Narrative, a copy of which I hold in my hand, was prepared and published. It is also equally notorious,

that a Reply was published. It is also not notorious, but true in fact, that a review of this reply was prepared, and is now in manuscript, which has not been published. It is a fact that these brethren made application for a Mutual Council to decide concerning the original action of the Church in relation to the Deaconship, and had previously made an application desiring that the whole matter in dispute should be submitted to a Council; and that these applications were denied. It is also before the Council, as has appeared in the printed document, that they applied for letters—and the treatment they received is before the Council. These are the facts in the case. None of them will be disputed.

The question is now, whether they have been injured in their Christian rights; and especially, after they had returned the first letters as implying a censure, and as being *designed* to censure, whether the second letters and resolutions did not more injuriously affect these rights? Every one of the gentlemen who represent the Church have given us to understand that the design of the letters was to mediate between two extreme parties—that the Church would not issue a letter except in this form. Mr. GILMAN says the letter was given in good faith. It was in good faith—to censure. Every man who voted for these letters voted in good faith to inflict a censure. It may be, perhaps, true, that nine out of every ten who voted expected that these letters would carry them to other Churches. That is not the point. But the issue is, whether a majority of this Church have a right to inflict censure by this indirect action?

We also put it to the members of this Council, whether it is or is not a violation of the Rules of the Church, thus summarily to cut us off from its watch and care, and the privileges of membership, and without specified charges and formal trial? First, we received letters designed to censure us; secondly, we are cut off from the watch and care of the Church because we are not satisfied with those letters. First, we received from this majority letters that censure us, and send us to other Churches with this direct stigma upon us. Then we are not satisfied; we return them again and again, both our applications and our protest; and finally, the Church decide that they will not be annoyed and badgered by the repeated assertion of our rights. In other words, they will not allow us to remain in their fellowship, because we are not satisfied to receive letters which dishonor us as Christians, and which send us out to the com-

munity carrying this certificate to our reproach. Because we will not be satisfied with this manifest injustice—because three several times we return these letters and ask that they may be reconsidered—because we stand up for our rights, we are cut off. This is the head and front of our offending. This is the history of these transactions. This is the matter before this Council, so far as the rights of these parties are concerned, as these rights are defined by the Standing Rules, and as they are defended by the usages of the Congregational Churches of this country.

Now, does it answer in defence to say that the circumstances were extraordinary? They were. Is it sufficient to say that the excitement was very great? It was very great. Is it sufficient to say that there were two parties in the Church, and this was all they could agree upon? Is it satisfactory to say that this was the best result on which they could agree, and that the brethren should be content to take it—this confession that they were wrong, this acquiescence in this letter accompanied by this report? I take it for granted that the usages of our Congregational Churches, which have been settled by time and confirmed by experience, are similar to those in the Church of the Puritans. Whenever there is a difference of opinion, and a majority decide that they shall not proceed to trial, then it is their duty to treat their brethren in the minority as if they were *recti in ecclesia*. So far as their claims upon the Church were concerned, they were as though no objection was made. The majority, as a court of judicature, must then, in their official capacity, become the defenders of their brethren, and of necessity issue letters in the usual form.

Now it appears that there *was* a usual form, from which they had never deviated except (if this can be called an exception) in the case of Rev. Mr. HATCH; but that it was a design to deviate from the form in our case. The deviation was made in more than one case; a change was made in every letter which was issued to us, each being worse than the one before it. For in the first letter the Church omitted the epithet *good* in “good and regular standing;” they omitted also the “affectionate recommendation,” but they retained the phrase “when received by them, his (the applicant’s) relation to this Church will cease.” In the third form they omitted the epithet “*good*,” they omitted the phrase “*affectionately recommended*,” they omitted also that “when received by them his connection with this Church shall be dissolved,” and they appended

these excising resolutions. Now there was a design in all this, and this Church justifies it by the plea of "extraordinary circumstances." Now we have no desire to go into these extraordinary circumstances. We were weary of this controversy and desirous to secure our own quiet, and we simply asked for dismissal. That dismissal was denied, and because when it was denied we three several times renewed our application, we were cut off, having grossly offended by becoming an annoyance to the Church. When, after this act of excision, we presented our protest to the Church, that protest did not reach the Church; though afterwards, the Council will remember, the Church did hold communication with us so far as to deny our application for a Mutual Council. Now, is this regular? Is it right? But "it is justified by the extraordinary circumstances!" Well, admitting the circumstances to have been extraordinary; however aggravated our offences were; however intensified was our wrong in communicating with the Pastor under the circumstances in which he stood before the community and this wide nation and the whole listening world; still, we had a right to a dismissal in the customary form. "But we committed a grievous wrong in the manner of asking it!" Did we? We simply, in our communication (Appendix A.), insisted that the positions taken in our Narrative were true; and for insisting that they were true, a majority of this Church, in a document which they adopted when they excised us, insisted that we had insulted the Church and violated truth, and therefore ought to be dismissed. They would not give us a trial. No. But they cut us off without trial. Is this Congregationalism? Is this common right? Is this what minorities may claim and expect in Congregational Churches, in seasons of extraordinary excitement, when the majority *know assuredly* that they are in the right? Do the majority ever know anything else? Do the majority in any Church ever know anything except that they are in the right, and that the minority are absolutely, desperately and malignantly in the wrong? Never. And that is the reason why a Mutual Council is required to mediate between parties. In Congregational Churches the majority may easily constitute a party. In Congregational Churches the majority also constitute a court of trial and of judgment. In Congregational Churches, in seasons of great excitement, the majority are a party, the minority another party. In Congregational Churches the same majority are the court to try. Now it is quite unfortunate—very unfortunate—that this majority did not understand their duty in these two relations—most

unfortunate under these circumstances, that they did not understand the responsibility that was laid upon them to vindicate our honor, and the good name and Christian honor of that body they represent, by showing that they could make this distinction. Instead of this they would not allow the minority to come before them and justify themselves. They assume, they *presume*, they assert, they reiterate, that they were in the right, and that the whole world knew it, and that the minority were in the wrong; and that for pertinaciously asking a trial or a dismissal, they deserve to be excised. A good brother, who was so frank and outspoken last evening on behalf of the Church, revealed the secret of the whole matter. He explained fully the object for which this letter was intended on the part of the Church. This good brother gave the correct version of these proceedings, and spoke out the motives and object which directed his own course, and the course of the majority as they rallied around the Pastor of this Church for certain purposes.

Mr. FAIRBANKS—May I be allowed to make one remark?—I have been a Congregationalist, sir, all my days, ever since I professed to be a Christian; and when I brought my letters to the Presbyterian Church, I was questioned to know whether I believed in the Presbyterian doctrines. Says I, "Not a word of it! I come here as a Christian, not as a Presbyterian; I come because I like your minister, and am near the Church; I come to hear the Gospel, and if your Presbyterianism don't tread on my toes, I won't bother it." That is the warp and woof of my Congregationalism.

Dr. PORTER continued: I ought to say, in addition, as an important matter of fact, that when the report which accompanied the excising resolution was discussed before the Church of the Puritans (Appendix C.), these brethren were not allowed to discuss, nor to justify themselves before this—what? Court?—before this Church of the Puritans, sitting in whatever capacity you may be pleased to say. They were not allowed to take any part in the discussion of the report.

But the claim is, that the Pastor of the Church of the Puritans was engaged in a grand conflict for the vindication of human rights, and that, under the circumstances, it was an unjustifiable offence for those gentlemen to address to him the letter which they did. It is charged that the ground of their dissatisfaction with the Pastor was for his zeal in the cause of human rights. An issue has thus been made before the public, and before this Council, which is not acknowledged, nay, which is expressly and strenuously disavowed

and repudiated, by these appellants. They earnestly contend that the ground of their dissatisfaction, and the ground of their opinion that he would do well to resign the Pastoral office, was not their difference with him on the subject of Slavery. So far as the Council are concerned, they are to be believed—so far as the public is concerned, they are prepared to vindicate their case before the public. The majority did not believe them; and on the ground of this disbelief, have committed upon them this ecclesiastical wrong, and cast them out from their fellowship. Now, we submit whether this is any sufficient reason in their justification? If these brethren assert a falsehood, they ought to be tried for that falsehood; and if the subject matter of their difference of opinion is on Slavery, and is a proper matter for the Church and a Mutual Council, then this also should be tried before the Church and a Mutual Council. But the question of slavery and human rights does not come before this Council. It also may be contended that the Pastor is engaged in a controversy in which the whole nation is interested, and that it was especially cruel for these brethren to interrupt him at this time. We do not intend to go into this. We intend to bury the past. We contend for a matter of right. It is important; and it is because the principle involved is so important, and so vital to the respectability and prosperity of our denomination, that the decisions of this Council will be looked for with deep interest. We wish, therefore, the decision to be express, and to be full on this matter of right, because the rights of minorities are sacred, and should be defended.

So far as the Pastor of the Church of the Puritans is concerned, we have simply to say that we admire his genius, (I speak for myself,) and sometimes respect the heroism which he displays. We are not called on to say, either pro or con, what we think*of his course; only, that we could have wished that when this Church of the Puritans and the Pastor at the head of it was a light to enlighten the world; that when this Pastor of the Church of the Puritans, and this Church of the Puritans, were put in the front rank of the battle for human rights, that they had not stricken down the rights of their Christian brethren at their own threshold; that they had not violated those rights which these brethren claim at their hands, not merely as men, (for it was not for the rights of *men* merely for which they contended,) but as fellow Church members, as fellow Christians. It seems quite "extraordinary" that the Pastor and the Church, in their zeal for human rights, should have overlooked, and

have disowned and dishonored the rights of these Christian brethren ; that the Pastor of this Church should have been so indifferent to the action of the body which he was directed to lead into all wisdom, and to guide in all judicial proceedings, that he did not defend them when their rights were assailed, and stand a tower of strength between them and an excited majority. If he cares so much for the rights of men, how could he have overlooked the rights of this minority ? how could he have been indifferent to the principles on which all our Congregational polity is based, and on which its respectability is at stake ?

To illustrate my view of the matter still further, let me suppose a case. Let me suppose a Presbyterian "Session," with five, six, seven, or eight members. Let us suppose this Presbyterian Church to be surged to and fro with an exciting controversy, such as this, in which the reputation of the Pastor before the Public was assailed ; would that Presbyterian Court have dared to excise in this way, or give qualified letters to the minority ? Never ! And why ? Because in this Presbyterian Court, these six or eight men would have acted under the responsibility of their own individual relations to the minority and the community. They would not have dared to face the public, nor the minority, and to have shouldered the responsibility of such transactions. And if a Congregational majority cannot understand, and cannot be made by their Pastor to understand, the doctrine of the rights of minorities, then will our Congregational polity become what it ought and must—the laughing stock and the contempt of the discerning community. If our excited majorities cannot go into a Court, and if they cannot be warned to act as just men ; if their Pastor cannot be true to the rights of the minority, and does not stand up for them and see that they have fair dealing, in accordance with all civil dealings, as well as in accordance with the sacred practice of our Churches, then will our influence be shipwrecked, as it ought to be ! It deserves to have the contempt, as it will receive the contempt, of those who look on. Our case is presented to this community, under circumstances of extraordinary interest and importance, under circumstances which we have not made. And we doubt not the Council will meet the issue, and wisely deliver us, as a denomination, from this peril. We know that the pastors of other Congregational Churches in this city, and in Brooklyn, would, under like circumstances, be sufficiently alive to the rights of the minority, and secure to them a trial, or an

honorable dismissal. And to say that under extraordinary circumstances this majority were justified in the course they pursued, is to say what will justify any kind of irresponsible tyranny. This majority have acted under the pressure of great excitement. Spurred on by editors who care not for Congregationalism, nor, we fear, for Christianity, excited by those who tell them that their Pastor must be sustained at all hazards; they have forgotten their Christian duty, they have forgotten the principle which secures to their brethren the rights of fellow Christians, not to say the rights common to all men, whenever they are called before a tribunal for trial and judgment.

We understand that Congregationalism is, by this case, brought to a test under circumstances which are peculiar. We understand that it is looked upon with scrutinizing eyes. We understand that our Presbyterian brethren will draw inferences to our disadvantage. We understand too, we *know*, brethren of this Council, that a majority of a Congregational Church are ordinarily as competent to understand the doctrine of human and Christian rights, and to defend it, as a Presbyterian Session; and that in the independent and honest justification of such rights consists our life and our strength. If our Presbyterian brethren manifest an officious interest in us, and offer us their sympathy, we can tell them that we have no need of their interference; because experience has shown that we issue our church trials quite as successfully as they, and that a trial before an *ex parte* council is, after all, quite as good, and far less inconvenient, than a trial at a Synod or General Assembly.

I said, at the outset, that my objections to appearing here were overcome by the interests at stake. I will make another suggestion. You, brethren of the Council, are not merely called upon to assert the Congregational doctrine in respect to the rights of minorities, but you are called upon to assert them in the City of New York, where they have so publicly been called in question. You are called also under circumstances of great excitement, such as are not likely to occur again for a long time to come. In these sad times of public profligacy on which we have fallen, in which there is so much dishonor abroad, so much dishonor to the rights of man, and so much occasion for our Pastors and churches to protest against iniquity in high places, we ought to be alive to the claims of justice within our own enclosures, so that in our earnestness to apply the principles of Christianity to political iniquity, we may save the foundations of the Christian churches, and see to it that all parties with-

defences for in the sacred precincts of the church shall have ample securities and their rights as Christians.

Within the last few years of the discussion concerning the application of Christianity to questions of ethics and public reform, I have often thought, and sometimes expressed the wish, that our most noble Apostle Paul could appear among us again, to pronounce in our hearing the salutary councils of wisdom which are given in the 14th chapter of his epistle to the Romans. That chapter in itself, as a vindication of the spirit of toleration under excitement and differences of opinion, is a demonstration of the divine origin of the Christian system, as well as of the divine inspiration of the apostle himself. He says, "Let not him that eateth, despise him that eateth not; and let not him which eateth not, judge him that eateth: for God hath received him." The apostle does not go into all sorts of excitement concerning points about which there is a difference of opinion. "Let not him which eateth not, judge him that eateth."—Without a trial does he say? No. But he does say, let him that eateth not, judge not him that eateth, to be unchristian, or withdraw from him and from Christian fellowship. He tells us—anticipating what would happen in the Christian church through all time—he tells us that differences of opinion concerning great questions of duty and reform will ever arise. He tells us that these differences will be known in every Christian church. He tells us that we must tolerate each other in these differences, while there is also secured to those who have different opinions a right to hold those opinions, and yet to maintain the full protection, as well as to enjoy the pastoral councils, of those who lead them in the way of Christian truth.

Now, if we cannot depend on Congregational churches against excitements of this kind, if we cannot as Pastors lead our flocks in the way of Christian toleration and Christian right, then what is to become, I do not say of our *Congregationalism*, but what is to become of our CHRISTIANITY? If our Christianity with Christ, and Paul, and the Cross, and the Spirit dealing with each *individual* soul; if our Christianity, embracing within its enclosure all those who differ from each other in opinion in respect to minor considerations; if our Christianity cannot be saved, but if it is to be absorbed and engulfed in discussions concerning political and social questions, then what is to become of its vital, saving force? If we cannot make men believe in Christ and Christian duty, and deriving their motives from *Christ*, then we cannot make men, in the name

of Christ, believe in the rights of men. Shall we not defend our Christianity? Shall we not defend the rights of our Christian brethren as secured not only by those plain principles of justice which have been engrafted upon our Constitution, and in the practice of our civil courts, but shall we not defend our Christianity because it is needed, in these times of high political corruption and of shameless public profligacy? Shall we suffer our ecclesiastical tribunals to enact over again the same corruption? We see high tribunals strike down the rights of millions in obedience to the demands of powerful leaders. Following the wake of an excited Pastor, and under the influence of party excitement, a determined majority in the Church of the Puritans, acting as a judicial tribunal, enact over again this same kind of dishonor. They strike down the rights of the majority as truly, as really, as dangerously, as judicial tribunals when they yield to party influences, and give us the things which they petrify and crystallize into what they call "decisions!" Shall this church be justified in this? This is the question before the Council.

MODERATOR—If any of the brethren of the Committee of the Appellants wish to add anything, they can do so.

Dr. PORTER—In confirmation of our views, I would like to lay before the Council some letters containing the views of a few brethren who are not of our number, but who belong to the Church of the Puritans, in order to show that they take the same view of the case which has been taken in the argument.

MODERATOR—It is for the Council to decide how far these are necessary.

Dr. THOMPSON—It is acknowledged, I believe, that there are, or have been, two parties in the Church of the Puritans, aside from these brethren. I suppose these letters might confirm that fact; and I suppose we might as well have the Pastor come in, as to receive these letters.

Dr. HAWES—I take the same view of the subject. It seems to me if we introduce these letters there will not be any end of it.

Dr. PORTER—I particularly wish to introduce these letters, not to show that there are two parties, but that there are important members of that church who hold precisely the same views with us in respect to the dangerous tendency of this procedure.

MODERATOR—That is calling upon us so far to be guided by the views of a few brethren of the Church of the Puritans. While these

Mr. PHELPS—I will ask whether the Council will allow the Committee to refer to any statement which was made as a fact by Dr. PORTER as to the conduct, and opinions, and views of the Pastor of the church in this matter? There was a gross misrepresentation, of course unintentionally. The Pastor has never sanctioned the action of the church. He opposed it at the time. He reserved his right to enter a protest, which I hold in my hand, which I offered to read, and which the Council declined to hear. Dr. CHEEVER, therefore, should not be considered as the man who has induced and promoted the action of the church, because the action of the church was in direct opposition to his expressed will.

Dr. PORTER—I would beg leave to state my position. I do not assume that it is a fact that Dr. CHEEVER did or did not, in regard to specific matters take this or that position. I simply, in argument, state that it is very much to be regretted that this church, as a judicial tribunal, were not by the influence of their Pastor led to act justly, or rather, that that influence was not so successful as to bring the majority to a just judgment in respect to the rights of these parties. This is what I feel; and when I assume, as I do in argument, that it would not be so in other churches, that is my private opinion.

Dr. BACON—I think we had better have that protest read.

Dr. PORTER—We should object; because we make no charges in regard to the Pastor, and we do not bring in our relations with the Pastor here. That we have expressly disclaimed. We do not in form submit it to the Council, and we do not in testimony submit it to the Council.

Dr. STORRS—I would suggest this view, entirely agreeing with Dr. BACON. If I had been here when the matter was up before, I should have desired to see substantially the statements contained in Dr. CHEEVER's protest. We are called indirectly either to censure or approve the action of the Church of the Puritans, and review their conduct. Now if it be true that the Pastor of the Church of the Puritans entered a strong protest against these acts, that paper may be taken, I think, as the careful testimony, given at the time, of the experienced and competent Pastor of that church. It seems, from the description of the paper, that he condemned the action of the church; and while we are not determined by his judgment, his testimony may be valuable to us. I hope we shall hear it.

Dr. CLARK—If the impression is made on this Council, either by direct statement by Professor PORTER or by inference, that the

may be important as expressed by the brethren themselves, as I understand, they are not regarded by the Council as important to us; unless the Council overrule me, I will decide that the reading of the letters are unnecessary.*

I would now ask if any of the brethren calling this Council desire to be heard? In requesting Dr. PORTER to appear for them, I do not understand that they waive their right to address us personally if they see fit.

Mr. HAVENS—We rest for the present.

MODERATOR—Dr. Porter has shown what has been the practice of the Church of the Puritans with respect to the form of letters. The Committee of the church, if they see fit, can controvert that testimony.

Dr. PORTER—I suppose the Moderator does not intend that matters of fact in the pamphlet which we presented are not matters of fact?

MODERATOR—Not at all. Dr. Porter introduced one additional matter of fact as testimony, and that was with respect to what had been the practice of the Church of the Puritans in dismissing members, and that fact, as testified to, amounted to this:—that letters in but one form had always been granted, except in this case, and the case of a certain gentleman whose name was mentioned. That is all the new point introduced. The Committee from the church was heard upon all the other points. But, unless directed to the contrary by the Council, I understood they are not to be heard as arguing their own case. They have refused to submit their matters to the Council. They have come to make their statement, and nothing else. If, therefore, the Committee wish to be heard with respect to this point, they will be heard, not in answer to Professor PORTER, but on this point.

* NOTE, BY COMMITTEE OF THE APPELLANTS.—These letters, in very strong terms, condemned the action of the church, in not giving the appellants full letters or a trial, pronouncing it unjust, contrary to its own articles, contrary to the common law of Congregationalism, and destructive of the rights of those who remain.

Although they were intended for the public Council, and consent was cheerfully given, with one exception, for their publication in this pamphlet, inasmuch as they did not form a part of the recorded evidence, they are withheld.

They were written by the following members of the Church of the Puritans, respectively:—Seth B. Hunt, Homer Morgan, David B. Scott, C. B. Hatch, William Allen.

Pastor thus coöperated, we should hear testimony as to the fact. I must confess that in listening to Professor PORTER, my impression was (or would be) that the Pastor *did* coöperate with the church; perhaps not by direct statements, perhaps more by inference; and it strikes me that it is really a vital point to affect our final action; and that therefore it is quite important that we should hear it.

Mr. FAIRBANKS—I think I can state the position of the Pastor perfectly, before the Council, in one minute.

MODERATOR—The question is, how far it is relevant or irrelevant?

Mr. FAIRBANKS—I wish to state in a few words—

Dr. STORRS—If we have anything, I hope we shall have the document itself.

Dr. PORTER—I object to the reading of the document.

Mr. ABBOTT—The question before the Council involves the action of the church. We have the record of the church. This protest, I take it, is just as truly a part of the record of the church, as what has already been read, and we have not the whole before us unless we have the protest.

Dr. CLARK—I move that the Council ask for this statement which Dr. CHEEVER has made. It is valid for the Council to say what they shall listen to, with all respect to Dr. PORTER.

Dr. PORTER—I do not wish to dictate to the Council. I should be very sorry that Dr. CLARK and the Council should be so far incompetent to distinguish between argument and testimony. I suppose the Council is perfectly competent to distinguish between what I bring forward as testimony, and what I bring forward as argument. I therefore would repeat, that what I said was a matter of opinion; that under these exciting circumstances the Pastor was not successful, or that some how or other it happened that this majority did not act as they should, as a judicial tribunal. Now I wish to say in addition, that if this protest of the Pastor is introduced, (for what purpose I do not see,) we, of course, shall claim the right to introduce other testimony showing the action of the Pastor adverse to the issue of letters in the customary form. If the Council wish to go into that matter, the true nature and action of the Pastor, as illustrated by all the testimony and his own declarations and acts, why we, of course, are prepared to meet the issue. We do not desire it. But, if I have been so unfortunate in the argument as to convey anything that is wrong as a matter of fact, I would repair the damage by making this distinction.

Dr. CLARK—When Dr. PORTER was speaking about the rights of humanity, the impression conveyed was, that the Pastor of the Church of the Puritans had not made as much effort to maintain the rights of these brethren. Now, if there is testimony to show that he did what he could to have these brethren do right, it is competent. If the gentlemen on the other side wish to introduce testimony rebutting, it is proper to hear that.

Dr. THOMPSON—This protest, if I have any tolerable anticipation of what it is liable to be, I think it would be on the second question, to wit. :

Is it, or is it not, a violation of the rules of the Church, of the rights of Christian brethren, and contrary to the usage of our churches, summarily to cut us off from its "watch and care" and the privileges of membership, with objectionable letters, and without specified charges (if any), and formal trial, as is done by the resolution above referred to!

If that protest shall show that Dr. CHEEVER wished to give these brethren a formal trial, and objected to the other course, there is so much testimony from that quarter. Another reason is this: Professor PORTER may have been led further than he intended to go, by the force of his own eloquence, and all he said is now on the wings of the wind; to-morrow morning it will be in every newspaper, that Dr. CHEEVER was held up as representing in the Church the Chief-Justice of the United States in the Supreme Court. I do not suppose Professor PORTER meant to institute that comparison, namely, Dr. CHEEVER as leading on an excited majority. If this is an individual opinion, if he wishes to retract it and correct it, or to engage that this will be done by the gentlemen of the Press, that will relieve the matter. But as the gentlemen here have brought in Dr. CHEEVER, (whom I by no means care to defend in all his actions,) I think this paper should be read, so as to put him right on the whole question.

Mr. HAVENS—The brethren who called the Council did not come here with the idea of presenting any select evidence. We supposed there would be an opportunity of presenting everything bearing on the question. We have no desire to conceal or suppress anything. We only claim the right of presenting rebutting testimony.

Dr. STORRS—I wish to ask a question or two: first, what is the date of this protest?

Mr. PHELPS—It has no date.

Dr. BACON—What does it protest against?

Mr. PHELPS—It is a protest against the action of the church, in

adopting the report of the committee, which is published in your document, and the resolutions therein recommended.

Dr. PORTER—Which? Appendix B., or C.?

Dr. STORRS—I have not finished with my questions. I want to find out against what it is a protest; whether it is against the report of the three gentlemen, Messrs. CHESTER, ABERNETHY and FAIRBANKS, (Appendix C.) or whether it is a protest against something else.

Mr. PHELPS—I cannot give you to understand its nature any better than to read the commencement of Dr. CHEEVER's protest, as follows:

“In accordance with the declaration made to the Church, when the giving of letters to these brethren was resolved upon, that though I should withdraw my resolution to press them to a trial, I yet reserved to myself the right of protesting against the course of the church in regard to them, as in my judgment unauthorized by the strict letter of the Gospel, and unwise in being too lenient, I hereby solemnly record the grounds of my conviction of the impropriety of such leniency, and of my earnest and continued desire and effort to have had these brethren tried and disciplined according to the word of God. I desired such discipline, generally because I was convinced that it is sinfully neglected by the Churches, and felt that a thorough application of the rules of the Gospel in the present case would have been attended with a great and lasting blessing.”

Dr. STORRS—I want to ask one question further—Whether this protest is upon the records of the church, and is a part of the records of the church action, in regard to dismissing these brethren?

Mr. PHELPS—I understand it to be so. It is not transcribed on the book, but it is part of the records.

Dr. STORRS—Was it received and ordered on file with the records of the church?

Mr. PHELPS—No, sir. At the time, Dr CHEEVER reserved his right to protest, and the meeting consented that he should have it put on file. I can testify to that, although I think it is not on the record.

Dr. STORRS—If it is part of the church action, it is properly before us; but if it came on the records of the Church of the Puritans without having been ordered there, it is a private paper, a paper which the clerk has no right to put in the records of the church; and if it can come before us in that legitimate way, I really hope very much that we shall have it. I think it important that the views of Dr. CHEEVER presented at that time should come before us. But I must say, from the explanation of the clerk, that it is not a record

of the church, on record, but is a private communication, and I object to it.

Mr. PHELPS—This protest was never read to the church, and was never adopted by them; but at the time, Dr. CHEEVER protested against the course, and reserved his right to enter his protest, which was allowed.

Dr. BACON—That Dr. CHEEVER reserved his right to put in his protest in written form?

Mr. HAVENS—I wish to ask the clerk when that protest came into his possession.

Mr. PHELPS—It came into my possession *this morning*. [Laughter.]

Mr. LIBBEY—I think there is no claim for it to come before us.

Mr. FAIRBANKS—I could, in two minutes, place before the Council the ground Dr. CHEEVER stands on—in two minutes.

MODERATOR—I cannot permit it, except by a vote of the Council. The committee not having submitted themselves to the jurisdiction of the Council, cannot be allowed to argue before it.

Dr. CLARK—I withdraw my motion to have the protest read, as I made it under the supposition that the paper was a record of the church.

MODERATOR—The motion is withdrawn. Do the brethren calling this Council desire to address the Council personally?

Mr. WOOD—We should be glad of the privilege, if in our judgment any necessity should arise.

MODERATOR—The Council will see that the position of the whole matter is now this: The brethren calling the Council made their statement; the committee from the Church of the Puritans were permitted to present their statements in reply. The counsel for the appellants has argued the case. The committee has no new facts. The whole case, then, as it would seem, is now ended, unless the Council see fit to permit the committee of the church to argue the question before us.

Mr. HAVENS—I would like to ask the committee whether they admit the facts as stated by us in our printed brief?

Mr. GILMAN—I have no doubt they are correct as far as they go. If I understood the Moderator, the Council would, at the close, allow us to introduce one or two points explanatory of subjects already in? One is in relation to the form of letters.

MODERATOR—Yes, sir.

Mr. GILMAN—The Council will remember that it was stated this morning, on the part of this committee of the Church of the Puritans, that the word *customary* referred to letters in use in Congregational Churches generally, and not to any specified form which this church had adopted. The only case, within my knowledge, where it has been departed from, has been alluded to this morning, and the document is here. It appears to be official, and was signed by a gentleman who is present, and was issued under the administration of one who is not now in office. The letter is as follows :

"This certifies that Mr. JUNIUS L. HATCH is a member of the Church of the Puritans, in good and regular standing; as such he is at his own request dismissed, and recommended to the fellowship of the Plymouth Church, Brooklyn, N. Y., and when received by them his peculiar relationship to this Church will cease. Mr. HATCH has been absent from us three or four years, and we have not known much of him for this time. Some of our members have felt grieved at his recent course in reference to the running of cars on the Sabbath.

This certificate is valid for one year only.

(Signed)

J. W. CAMP, Clerk.

NEW YORK, May 14, 1857."

Dr. THOMPSON—The word *affectionate* is not in it?

Mr. GILMAN—Allusion was made last night or this morning to the effect that a Mutual Council had been requested and denied. The first proposition for a Mutual Council was introduced in the form of a substitute for a resolution, and was virtually rejected. The following will show the manner in which the first proposition was received, and the action of the church upon it :

"On the next Sabbath, Dr. Cheever called a special meeting of the church, which was held May 18th. At that meeting he laid the letter before the church, as a party concerned in the matter, whereupon the following resolution was offered :

"*Resolved*, That our pastor, Rev. Dr. Cheever, has our entire and undiminished confidence and affection, and we hereby express our desire and determination that he continue in his present position as pastor of this church."

Pending the consideration of this resolution, the following was offered as a substitute for it:

"*Resolved*, That Christian charity, the peace of the church, and the development of the truth, all require that the signers of the letter produced by Dr. Cheever be requested to present to him a written statement of the reasons which, in their judgment, call for a dissolution of the present pastoral relation; and in case that Dr. Cheever should not regard the same, when presented, as requiring such dissolution, that he be and hereby is requested to unite with said signers, and call at an early day a Council, according to Congregational usage, to which all matters of dissatisfaction concerning the relation of pastor and people may be submitted."

This resolution was lost—ayes 20, nays 48—and the former was then adopted *nem. con.*—*Extract from the "Narrative."*

It requires no argument to show that no Congregational Church would authorize a minority to settle their difficulties with a minister, and to decide whether he should go away or stay.

The second point in order was in connection with a protest issued by the ex-deacons. About a month after the annual meeting, when the church had adopted certain preliminaries, which were adopted under protest on the part of the minority, after the church had adopted the resolution to proceed to the annual election of its officers, the ex-deacons sent a letter to the church, and still signed it as deacons, dated in July, a month after they had been superseded, claiming virtually that they were in office, and that they were entitled to hold their places as such. The church referred it to a committee, the action of which perhaps is before you. The church had been so circumspect, that they thought there was no reason for a Mutual Council on that subject. A single word in regard to the church: At the very first meeting of the church, I was called upon to preside. At the close, a young man, whom I supposed to be a member of the church, asked for the document which had been laid before the church, to be printed. I refused to give it, although he stated he was a member of the church, telling him that these documents were not for the public, as it was a family matter entirely. He replied that it had already gone down town, and would be in print in the morning. We intended to lay before the Council a printed statement, containing the proposition for a Council, the original letter issued by Mr. CAMP, etc., and I merely wished to explain about the printing. But I do not care about that. We do not wish to argue the case.

Mr. HAVENS—There are three points stated by Mr. Gilman upon which it is proper that the Committee of the Appellants offer a word of explanation. The first is in relation to the letter granted to Mr. Hatch. The gentlemen of the Council will see that the ninth rule of the Church of Puritans says:

Rule 9th. Members, on removing, shall ask for letters of dismission and recommendation. Requests for such letters may be announced by the person presiding at the weekly prayer-meeting or lecture, and if at the end of one week no objection has been made to the Pastor, he, or the Clerk, shall issue the customary certificate, which shall purport to be valid for one year only from the date thereof; and letters shall not be granted to persons who *have delayed applying for them for more than one year after their removal from us*, unless by a vote of the Church, after satisfactory reasons shall be assigned for such delay.

It was to meet the provisions of the ninth Rule, relative to remov-

al, that the letter was given to Mr. Hatch, with the unusual statement as to his absence, &c. The second point is in regard to the resolution, or rather amendment to Mr. Abernethy's resolution, offered at the first meeting of the Church, when the letter to Dr. CHEEVER was considered. That has been alluded to by Mr. GILMAN as having been offered by one of the gentlemen who now appears before this Council. That is true, sir; but Mr. WILCOX, who offered this amendment, was not, at that time, of us or with us. He did not sign the letter to Dr. CHEEVER, but finding what the spirit of the Church was at that meeting, especially as exhibited in the vote on his amendment, he then came over and united with us. (To Mr. WILCOX) Is that right, Sir?

Mr. WILCOX signified that it was correct.

Mr. HAVENS—The third point is in regard to the Deacons (Wood, Kingsley and Johnson) having assumed this official designation to themselves after having been dismissed from office by the Church. Now, sir, I will not go into an argument on this point,—we having already sufficiently explained our views on this question, in our pamphlet Narrative. We have contended that the removal of the Deacons was illegal; that the same disregard of the Rules was exhibited by the Church in that case as in this; and I am sure that no disinterested, impartial man can take up these Rules and examine the action of the Church, and say in conscience that the Church complied with their provisions in the adoption of the amendments by which they effected the removal of the Deacons—one of the identical points that has given rise to so much trouble, and, I may say, animosity. These three points of Mr. Gilman's are, therefore, all met.

Dr. PORTER—The Clerk of the Church at that time, who is here, will testify that he wrote the letter for Mr. Hatch in the customary form.

Mr. CAMP—That letter was written in my office, down town. I had the usual form at my house. I wrote it from memory, and I presume I omitted the word which is omitted (the word *affectionate*) in Mr. Hatch's letter because I forgot it. I believe otherwise it is in accordance with the usual form. It was intended to be so, strictly.

Mr. GILMAN—Mr. WOOD wrote his at his office also.

Mr. WOOD—Mine was a note to Dr. CHEEVER requesting him to

endorse on the customary letter those points in relation to Mr. HATCH. It was afterwards embodied on the foot of the letter; I suppose it was an accident entirely that Dr. CHEEVER omitted to send it to the Clerk. But this Council will bear in mind that the letter was a *full letter*, with an acceptable endorsement, to a brother who was obnoxious, while the letters offered us were not full nor acceptable.

Dr. PORTER—In regard to the point introduced by Mr. GILMAN, I would say: The deviation in our case is intended for the purpose of censure. It is of no consequence whether it was in one line or twenty lines; it was for the purpose of censure. And in respect to the publication of the original action of the Church upon the letter asking the Pastor to resign, which Mr. Gilman has not fully explained, I would say, that the letter, and the Report of Messrs. Abernethy, Chester and Harvey, as adopted by the Church, were printed in this form, (here showing a printed letter form) and were sent in envelopes all over New England.

Dr. STORRS—What is the date of it, sir?

Dr. PORTER—June 4, 1857. The annual meeting was held, I think, June 4, 1857, but the Narrative was issued by the appellants in the month of July; a reply was issued in November, 1857. This printed letter, however, was issued immediately after the annual meeting, and was the inciting cause to the publication of the Narrative.

Mr. WOOD—This publication was the very first document sent to the world from the Church of the Puritans. In the absence of all the officers, the Church, in their wisdom, saw fit to change its Rules (against those rules) and remove its officers, who were elected permanently with the Pastor, without bringing them to trial. When we returned, we found this paper all over New York and New England, without any signature except the names of the gentlemen who made the report to the Church, and which were at the end of that report. That was the origin of all these newspaper publications and pamphleteering.*

MODERATOR.—The Council will now decide whether they will choose to be by themselves.

Mr. McCALL.—I would like to ask whether the *ninth* and *tenth*

* NOTE.—This Letter sheet is headed "Report and action of the Church of the Puritans upon the Letter addressed to the Pastor," &c. The Report is copied in full in the Narrative issued by the minority.



Rules contain all relating to the dismission and discipline of members?

Mr. HAVENS.—They do, sir.

Dr. PALMER.—I wish to ask whether the Covenant of the Church of the Puritans has any clause affecting the subject matter before us? And allow me to say, in asking that question, that I have been a little surprised, in listening to the presentation of this case, that no allusion has been made to the Covenant relation of members of the church, and to their rights growing out of this relation. I supposed that a peculiar feature of church policy was based upon the rights of individual church members growing out of their covenant relation. There is a relation back of all that, which cannot be changed by standing rules. And the covenant adopted in the part of the country from which I come, has a clause of this sort: "That if you without cause should change your place of worship, it will be your duty to ask a recommendation to another church." If there is any such clause in the covenant of the Church of the Puritans, we ought to know it.

Mr. HAVENS, in reply, read a clause in the Covenant of the Church of the Puritans as follows: "To the whole body of Christ, called the church universal, you cordially join [yourself] as henceforward so identified with all its interests, and so unchangeably in covenant with it, that if Divine Providence should remove you from one branch of it, you are bound to connect [yourself] with another, so soon as you may be able."

Dr. CLARK.—I move that the Council be now by themselves, and remain.

The motion was adopted, and the reporters and all not members of the Council were requested to withdraw.

The SCRIBE furnishes the following record of the proceedings in secret session:

After a patient hearing, from both parties, of all the matters deemed important to a full understanding of the questions submitted to them, the hearing was closed, and the council were by themselves for consultation.

At this stage of their proceedings, the council took a recess of half an hour, and, upon coming together for their consultation, the following Resolution was adopted:

"That in view of the statements which have been made by the brethren calling this council, and the evidence in the case that has been presented, this council has sufficient ground to proceed as an *ex parte* council."

The members of the council were called upon individually, to give their opinion in regard to the question submitted to them, and in view of the evidence presented, which was done at length, and with great unanimity, when the following Resolution was adopted :

“That a committee of five be appointed to draw up a Result of Council, embodying the views which have been expressed, to be presented to-morrow morning.”

Drs. Bacon, Davis, and Swain, and brothers Chapman and Abbott, were appointed such committee.

The council then adjourned, to meet at 9 o'clock to-morrow morning.

THIRD DAY.

The Council met at 9 o'clock in secret session. The SCRIBE records :

According to adjournment the Council assembled on Thursday morning. The Committee appointed to draw up and present a Result of Council, had attended to the duty assigned them, and submitted such a document. This paper was read repeatedly, and carefully examined, and, after various modifications, was *adopted unanimously as the deliberate and formal result to which this Council came, in regard to the matters submitted to them*, which result is as follows :

The Council having patiently and carefully considered the matters referred to them, have come to the following result:

In the first place, we find that there was good and sufficient cause, in this case, for the calling of an *ex parte* Council ; and, having invited the church to unite with the brethren who have called us, in making this a Mutual Council, which invitation the church has declined, it seems plain that, as representing the Ecclesiastical Commonwealth, to which this church acknowledges itself to belong, we are required to pronounce our judgment upon those proceedings of which these brethren have made complaint to us.

We have no hesitation in saying, that the case which has been referred to us, ought to have been submitted to the examination and judgment of a Council called by mutual agreement. The difficulties which have arisen in this church—if we consider the number and the character of the brethren who united in asking letters of dismission, and the formal official standing of some of them,—and still more, if we consider the indications of excited personal and party feeling in the documents which have come before us—were of such a nature, that the intervention of disinterested and impartial advisers, mutually chosen, was the most obvious and only hopeful method of effecting a settlement. In all cases like the present, in which a church is divided against itself, a conscientious and determined majority against an equally conscientious and determined minority, it is the right of the minority to demand, and the duty of the majority to grant, an investigation and decision by a Council, to which both parties shall consent, and which both parties shall respect.

In the second place, we find that on the 26th day of February, 1858, forty-

six members of the church, including the twenty-two brethren who have called this Council, they being at that time acknowledged as members in regular standing, asked for letters of dismission and recommendation to other churches, and that on or about the 7th day of April following, the church granted to the female applicants, including the wives and daughters of some of the brethren calling this Council, letters of dismission in the customary form, certifying that they were in "good and regular standing," and "*affectionately* recommending them," while to these brethren they granted letters in another form, which by its marked difference from the customary form, implied a censure, and which can hardly be construed otherwise than as intending to imply a censure.

In the third place, we find that the brethren to whom those letters without a recommendation were given, having returned the same to the church as unsatisfactory, the church thereupon, on the 16th of June, adopted three resolutions, in the following words:

Resolved, That O. E. Wood, E. M. Kingsley, J. K. Johnson, Henry A. Hurlbut, Jared Linsly, R. N. Havens, Albert Chesebro, L. N. Cowley, Richard Brown, A. T. Dwight, F. E. Mather, Edward J. Owen, William Way, Stephen Paul, J. Conover, Jr., S. Churchill, E. M. Morgan, W. S. Thomson, Elisha Peck, William B. Isham, E. C. Wilcox, and J. W. Camp, on behalf of themselves and their families, having applied for dismission from this church, they are hereby dismissed from their connection herewith.

Resolved, That the Clerk send to the applicants certificates in the form following, to wit:

"This certifies that ——— is a member of the Church of the Puritans, in regular standing, and as such, at his own request, is dismissed, with the view of uniting with the ——— church, or such other as he shall apply to for that purpose."

Resolved, That (A., B. and C., parties named in the first resolution), having applied for dismission from this church, and having been dismissed at their own request, are deemed no longer members of the same, or in any way subject to its watch or care.

We therefore advise and conclude, that if at the time when these brethren made their request for letters of commendation, any member of the church had any ground of complaint against them, or any of them, it was the duty of such member to take the necessary steps, and, failing of satisfaction, to bring his complaint to the church, whereupon it would have become the duty of the church to provide without delay for an impartial trial of the charges; and that in the absence of any definite charges, regularly brought against these brethren by some responsible complainant, these brethren were entitled, and are now entitled, to full and unequivocal letters of commendation, according to the custom of our churches.

We also advise and conclude, that the exclusion of these brethren from the church, by a vote declaring them "no longer members of the same, or in any way subject to its watch and care," when they had had no trial, and when no charges had been regularly brought against them, was not only a violation of the rules of this church, and of the common usage and order of the churches with which this church is in fellowship, but a lamentable departure from those principles of Justice which are the security of Ecclesiastical not less than of Civil Rights.

While we regret that the church, in the exercise of its judgment, did not

of this controversy, and made it particularly desirable that the issue of this Council should be one which would conduce to the honor of Congregationalism everywhere.

At the request of the MODERATOR, Dr. BACON led the Council in a closing prayer.

The Council then adjourned *sine die*.